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FURTHER CORRESPONDENCE

RESPECTING

MOROCCO

PART 57

JANUARY TO JUNE 1925

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Further Correspondence respecting Morocco.

PART 57.

CHAPTER I.—MILITARY OPERATIONS IN MOROCCO.

(a.) Security of the Tangier Zone and Suppression of Contraband.

[W 718/39/28

No. 1.

Consul-General Clive to Mr. Austen Chamberlain.—(*Received January* 27.)

(No. 18.)

Sir,

Tangier, January 23, 1925.

I HAVE had occasion in recent telegrams to report the dropping of bombs by Spanish aeroplanes within the frontier of the Tangier zone. According to Madrid telegram No. 7 of the 15th January, it appears that the Spanish consul-general also reported the first of these cases, which occurred over a fortnight ago, and instructions were sent by the Military Directorate to punish the offending officer if the facts were found to be as stated. For the next ten days matters were comparatively quiet along the frontier until, on the 16th January, one of the three Anjera villages lying 1,500 metres inside the Tangier zone was bombed by a Spanish aviator—to all appearances deliberately. There happened to be passing through Tangier at that time two officers of the Royal Air Force, who were on their way back to England after spending a fortnight in Morocco. These gentlemen told me that it was inconceivable in fine clear weather that the dropping of bombs nearly a mile beyond the frontier could have been done in error. It is well known, moreover, that the Spaniards have been very anxious to obtain a rectification of the frontier whereby these three Anjera villages, lying on the western side of Tangier Bay, should be included in the Spanish zone. Captain Panabières, commanding the French tabor, is quite satisfied that this bombing was a deliberate act. The evidence so strongly supported this idea that I felt justified in recording my opinion in the same sense. Since the 16th not a day, I believe, has passed in which bombs from Spanish planes did not fall inside this zone.

From a military point of view the action of the Spanish airmen is perhaps intelligible. The presence across this boundary of three villages the inhabitants of which were of the same tribe as, and in undoubted sympathy with, their enemies, was very objectionable. No evidence, however, exists that these villagers abused the neutrality of this zone by firing on the Spaniards. A formal complaint to the Mendoub that they had done so was shown to be unfounded, and Captains Panabières and Cazes nearly paid with their lives for the visit of inspection which they immediately undertook to enquire into the matter, bombs from a Spanish aeroplane falling within a hundred metres from them.

Yesterday a regular battle took place partly within view of Tangier. At an early hour three Spanish warships started bombarding the coast, a column of 5,000 Spaniards advanced from Rgaia, aeroplanes, with a happy indifference to established frontiers, dropped bombs. Captain Panabières, whom I saw in the evening, was out all day doing his best with the men at his disposal to protect our boundary. While no one questions the individual bravery of the Spanish troops, he

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told me that, from a military point of view, their dispositions were puerile. By failing to take ordinary precautions, and needlessly exposing themselves, they suffered losses which he put at not less than 200 men. This figure is confirmed from other sources. Their firing was absolutely wild. Shells from the war vessels, bombs from the aeroplanes, and bullets from rifles, all fell inside this zone, and it was from a rifle bullet that a man of his tabor, despite the supposed protection of a French and Moorish flag, was so seriously wounded that he died in the night. The number of natives taking part in this battle he estimated at 650, about 500 Anjera and 150 Riffians, though it now seems that there were more Riffis than Anjera. These men were so scattered and so cleverly concealed that their losses were insignificant. At the same time, he considered that the Spanish objective would probably be attained of establishing a line of posts east of the Tangier zone right up to the sea. It is extremely fortunate that we have a man like Captain Panabières in command of No. 1 Tabor, a fat cheery Frenchman who rose from the ranks, talks Arabic well and has the confidence of his men. Moreover, he has a saving sense of the ridiculous. Yesterday afternoon, after the battle, he rode round the three Anjera villages with a supply of "silver bullets"—a far more effective way of keeping the natives quiet, he said, than protesting to the Spanish Government and extracting promises that their airmen "would never do it again." As he says, he is not concerned with the political side of the business. His duty is to try and protect the zone from incursions on the part of Spaniards or natives and to prevent the natives in the zone from giving trouble.

I discussed with him the case which seems perhaps the most flagrant of all, when a Spanish aeroplane, flying right across this zone, dropped ten bombs in the country between the aerodrome and the water works, some of them falling close to a small village. I agree, however, with Captain Panabières that, until we have proof that this was deliberate, one can only suppose that the airman, who, in any case, had no business to be where he was, dropped them by accident.

He mentioned during our conversation a further breach of neutrality which made him rock with laughter. Spanish soldiers had gone out from their blockhouse close to the frontier a few nights ago and stolen four donkeys and about twenty sheep. When the wretched owner went across next day and interviewed the lieutenant in charge of the blockhouse he was told he might think himself lucky not to be arrested for entering the Spanish zone without a permit, and that was all the satisfaction he got.

My Spanish colleague is very upset at what has been happening. Having spent some years at Tetuan as civil secretary he has a wholesome dislike of the Spanish military authorities and their ways.

There can, I think, be no question that the Spanish airmen treated the international frontier with absolute indifference. It was not a case of one or two bombs just falling inside this zone by inadvertence. In spite of protests and promises from Madrid, the airmen continued for days on end to circle round over the frontier and drop bombs indiscriminately, and the Spaniards have only themselves to blame if rumours are current that they are trying to provoke an incident. The number of refugees in Tangier has now risen to nearly 5,000, and it is little wonder that the natives are exasperated. But, as I have said before, I do not believe that there is any serious danger of native incursions or a native rising. It is too well known that the interested Powers have forces at their command which could immediately be brought to the rescue and stifle in the shortest time any native aggression; but native respect for the neutrality of the Tangier zone is badly shaken

I have, &c.
R. H. CLIVE.

[W 5711/18/28] No. 2.

Mr. Austen Chamberlain to Consul-General Clive (Tangier).

(No. 31.)
(Telegraphic.) R. *Foreign Office, June* 17, 1925.

SPANISH Government have asked His Majesty's Government and the French Government to consent to immediate introduction into Tangier zone, as a purely provisional measure, of a Spanish force of 500 men, either regular troops or else guardia civil or carabineros. Function of this force would be to furnish a cordon

to prevent smuggling and passage of hostile tribesmen and, if necessary, to defend town of Tangier itself. Spanish Government justify request on ground that, owing to non-formation of international gendarmerie through the refusal of Belgian commander to take up his duties there is now no police force capable of maintaining order and preventing smuggling into Spanish zone, and that two tabors have gradually dissolved owing to their officers being removed for military duty elsewhere. Result is constant passage of smugglers between Spanish and Tangier zones and occurrence of incidents such as reported in your telegram No. 62.

Primâ facie, it seems to us most injudicious to agree to Spanish request. In our view it is for the Tangier Administration and not for the Spanish Government to make such a proposal. So far as we know, neither the Assembly nor the Committee of Control have discussed the question, and the majority may consider it unnecessary to ask the signatories of the Tangier Convention for armed protection. Moreover, if the Administration do consider it necessary, it would be best to strengthen the tabors rather than bring in an independent foreign force. Given the feeling which exists between the Spaniards and the Riffis, the introduction of Spanish troops into the zone might precipitate a crisis and lead to incursions and attacks which would not otherwise have occurred.

Please report your views fully by telegraph as soon as possible.
French Government are consulting Marshal Lyautey.
(Repeated to Madrid, No. 49.)

[W 5751/18/28] No. 3.

Spanish Military Directorate to Sir H. Rumbold.

(Enclosed in Madrid despatch No. 286 of June 15; Received in Foreign Office, June 18.)

(Translation.)
Your Excellency, *Madrid, June* 13, 1925.

THE almost absolute impunity with which agitators of all kinds and the agents of the Riffian rebels make the Tangier zone the centre of their intrigues and a safe base for the convoys which they direct thence towards the Spanish zone has lately been the object of the liveliest anxiety on the part of His Majesty's Government. His Excellency the President of the Directorate, the Spanish High Commissioner in Morocco, has repeatedly called the attention of this Presidency to the situation of the said international zone, which the Marquis de Estella, whose opinion coincides exactly with the views of the Military Directorate, considers to be delicate and serious. The negotiations carried on with the Belgian Government for more than six months with a view to securing the appointment of an officer of the Belgian army to assume the immediate command of the gendarmerie have not so far given any result, perhaps on account of the internal situation and the prolonged political crisis through which Belgium is passing. The fact is that the tabors, which as a result of the Paris Convention virtually cease to exercise their functions, have lost, by the force of circumstances, and without its being possible to prevent it, a part of their former prestige and authority, while no properly constituted force has so far been able to take over their duties.

The efforts which the Spanish Government have made at the cost of great sacrifices to contain the pressure of the rebels within the limits of the Spanish zone and their tenacious endeavours to prevent the slightest infraction of the neutrality of the Tangier zone, are well known.

The existence within the Tangier zone of an adequate military force which would both guarantee order and neutrality on the international territory and put a stop to the intrigues of the rebels would, nevertheless, be an indispensable means of crowning Spain's action in her zone with success in the interest of peace. The latest news makes it clear that the lack of such forces and of collaboration for the maintenance of order constitute a danger for the neutrality of Tangier in spite of all our efforts.

Basing its views on these considerations, and moved by an impulse of foresight and caution, the Military Directorate have thought it right to call the attention of the British and French Governments, through its representatives in London and Paris, to the possible risk that, owing to the singularly unprotected situation of the international zone, enemy forces, which have up to now been contained by our fortified line, may be able to filter through towards El Fahs, and thereby compromise the situation of the

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city of Tangier, for which reason, in the opinion of this Presidency, it is essential for the three Governments chiefly interested to take the necessary measures to prevent this happening.

Such measures, in the opinion of this Presidency, should consist of an adequate reinforcement of the contingents of both tabors and in the granting to the Spanish Government—even if only temporarily—the authorisation to contribute their share to the defence of the international zone by introducing into the latter a small contingent which might amount to some 500 men, whose task it would be to guarantee the security of Tangier without in any way occupying the said city or even entering it. The latter measure, in the opinion of the High Commissioner and Commander-in-chief, might constitute a blow which would weaken the rebel movement in a decisive manner.

In any case, His Majesty's Government are fulfilling their duty in pointing out to the Cabinets of London and Paris the singular delicacy of the situation, laying stress, through the mediation of your Excellency, on its urgent and decisive nature, and pressing for a solution the provisional character of which might, if the case arises, be submitted to later diplomatic handling and regularised.

I avail, &c.

EL MARQUÉS DE MAGAZ.

[W 5806/18/28] No. 4.

Consul-General Clive to Mr. Austen Chamberlain.—(*Received June* 19.)

(No. 69.)
(Telegraphic.) R. *Tangier, June* 18, 1925.

YOUR telegram No. 31.

Spanish argument appears to be based on premises which are incompatible with maintenance of neutrality of Tangier zone, namely, that unarmed tribesmen and women have no right, even after passing Spanish line, to trade with Tangier. If we admit this and establish a force to "prevent smuggling and passage of hostile tribesmen," Abd-el-Krim will cease to respect our neutrality and treat Tangier zone as part of Spanish zone, and, as such, enemy territory.

On the other hand, if Spaniards respect our neutrality Abd-el-Krim has always promised to do so. In that case I consider there is no danger of disturbance.

Misrepresentation has done much to foster local discontent arising from the presence of 6,000 refugees, mostly women and the very poor, and propaganda against new régime on the part of certain Jewish-Spanish and native elements. But there is no serious danger in this, and local agitation is dying down.

There appear to be four possible alternatives to meet the situation:—

1. No increase in armed force of zone, but stringent orders on the part of Spanish authorities to respect neutrality and admission by Spaniards that neutrality implies the right to peaceable trade with Tangier on the part of unarmed natives who have entered zone.

2. Introduction of Spanish force of 500 men. This would be direct provocation to tribesmen, and would mean that Abd-el-Krim would henceforth treat Tangier zone as enemy territory.

3. Increase of tabor to 500 and 250 men respectively as allowed under Act of Algeciras.

Two points require first to be settled. Is tabor to be authorised forcibly to resist incursions into zone and who is to pay extra cost involved? Protests and *procès-verbaux* have been of no avail in the past, while if Tangier is to pay the matter must come before Assembly, who would probably refuse.

French tabor is quite efficient as far as it goes, and I do not understand reference to dissolution.

4. International force provided by the three Powers. Would this force simply be a moral factor to be supplemented in case of serious trouble somewhat on the lines of Legation guard in Peking? This would, I think, be sufficient. Or should it be a force big enough to repel an attack? My French colleague fears in either case Italy might send a force nominally to protect Italian life and property. I consider there could be no possible justification for this. Life and property are not in danger, and international force would be merely symbol of determination of the Powers to maintain respect for neutrality of Tangier. Abd-el-Krim and tribesmen would understand this. At the same time, I deprecate presence of international force on account of inevitable friction that would arise.

Before alternatives 3 and 4 are considered, I hope a final effort may be made by the two Governments to induce Spanish Government to adopt alternative one. In that case, I would further suggest that British and Spanish military attachés, who are both here, should be instructed the moment any incident occurs to make a joint enquiry on the spot with commander of French tabor.

I have shown this telegram to my French colleague, who is telegraphing in the same sense.

(Repeated to Madrid.)

[C 8474/459/18] No. 5.

Mr. Austen Chamberlain to the Marquess of Crewe (*Paris*).

(No. 2168.)
My Lord, *Foreign Office, June* 23, 1925.

I ASKED the French Ambassador to call upon me yesterday at the first moment I had available for an interview since my return from Geneva. I told his Excellency that I sought this interview rather to renew our relations than because I had at the moment anything of consequence to say to him, but I took the opportunity to express the pleasure which it gave me to co-operate with M. Briand, and to acknowledge that since I had held my present position I had found my relations both with M. Herriot and M. Briand most agreeable and easy. It seemed to me that the prospect of a successful issue of our labours was promising. I had been a little disturbed by the tone of the German press, but I hoped that it did not accurately reflect the mind of the German Government.

I then referred to the position of Italy in relation to the proposed Western Pact. M. Briand's answer to a press representative at Geneva, implying that the adhesion of Italy was not to be expected, had taken me entirely by surprise. I believed that I had told M. de Fleuriau at the time of the communication which the Marquis della Torretta had made to me on this subject, and I had assumed that a similar communication would have been made to M. Briand by the Italian Ambassador in Paris. It seemed to me that this reference to Italy had had a disturbing effect in Rome, and had somewhat altered Signor Mussolini's attitude towards our proposals.

The Ambassador said that he had transmitted to M. Briand my account of the Marquis della Torretta's statement, but that in the interval before Geneva there had been some change in the situation, and the Italian Government had taken up a less decided position. This explained M. Briand's answer to the American reporter.

As to the prospects of the pact generally, his Excellency told me that there had already been some conversations between the French Ambassador in Berlin and the German Foreign Secretary, and he left with me a note, a translation of which I annex to this despatch, in which he summarised the questions put by the German Government and the answers which M. de Margerie had given. M. de Fleuriau further observed upon the desirability of making rapid progress with these negotiations, an opinion in which I most heartily concurred. For this purpose we agreed that an early exchange of views between the French and British Governments was highly desirable, and I told his Excellency that I hoped, after consultation with my colleagues, but with very little delay, to submit, for M. Briand's consideration, a draft of such a treaty as we might conclude.

As the Ambassador was leaving I mentioned to him the Spanish proposal for an increase of their forces in the Tangier zone, and expressed my strong objections to it, on the ground that it would be a direct provocation to Abd-el-Krim to infringe the neutrality of the zone, and that it would in all probability lead to further international complications. The French Ambassador said that the French Government entirely shared this view.

I am, &c.

AUSTEN CHAMBERLAIN.

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Enclosure in No. 5.

(Translation.)

Memorandum containing the Substance of certain Verbal Explanations given to the German Government by the French Government concerning the meaning of certain Passages in the French Note on Security of June 16, 1925.

Section V, paragraph 4. What is the meaning of the words "same scope" of the Franco-German or Belgo-German treaty and of the treaties between Germany and other neighbouring Powers?

The arbitration treaties would apply to all disputes, of whatever nature.

The apparent contradiction between the immediate application of the guarantee given by an arbitration treaty (section IV, paragraph 3) and the Covenant of the League of Nations.

The Covenant and the machinery set up by it contemplate disputes which do not fall under a special arbitration treaty. The application of the proposed guarantee is designed to ensure that the procedure of the League of Nations for the prevention of resort to force will be respected. Precautions to be taken, moreover, to fulfil article 21 of the Covenant. Finally, the guarantee is only brought into play if the violation of the Treaty of Arbitration is coupled with hostile measures, a situation which involves the application of article 16 of the Covenant.

German doubts regarding the willingness of Poland to conclude an arbitration treaty with Germany.

We do not share these doubts. In the absence of this treaty, the desired object would not be attained and the guarantee of security would not be completely assured.

Demilitarised zone—To be looked into later.

[W 6162/18/28] No. 6.

Consul-General Clive to Mr. Austen Chamberlain.—(Received June 29.)

(No. 189.)

Sir, *Tangier, June* 21, 1925.

IN the first paragraph of my telegram No. 69 of the 18th June I had the honour to point out that if we attempted to enforce the Spanish contention that tribesmen, even after they had successfully passed through the Spanish frontier lines unarmed, should be prevented from coming to the Tangier market, Abd-el-Krim would cease to respect our neutrality and treat Tangier as enemy territory. Verbal messages to this effect had already reached me; I now have confirmation in writing. Mr. Irwin has made translations of two important letters, of which he obtained copies yesterday, addressed to a British semsar, Moulai Ali Alkhamlish—one by Abd-el-Krim, the Riffian leader, the other by Abd-el-Krim-bel-Hadj Ali, an ex-British semsar, who now commands a force of Jibala against the Spaniards in the Beni Mesowar country to the south-east of Tangier. I have the honour to enclose copies.

2. The warning from the Riffian leader is brief, but ominous: "If matters continue as at present we shall be compelled to do that which may not please the foreigners in Tangier and the requital will consist of acts in accordance therewith." In the course of a much longer letter, Abd-el-Krim, the ex-semsar, after alluding especially to the behaviour of the Spanish forces towards Moslem women, threatens that if this sort of thing is not stopped "Tangier will be exposed to dangers and become a place of anarchy, so that its streets will run with blood, for which the responsibility will be upon the Spaniards, who alone are doing these things."

3. Without wishing to attach undue importance to this blood-curdling threat, it must, I think, be clear to everyone that the introduction of a Spanish force into Tangier would inevitably create a very dangerous situation, as, should an attack on Tangier be made from outside, one would have to reckon on the possibilities of disturbance on the part of the otherwise peaceable natives of this zone.

4. The Spanish Government, having put their name to the statute, are bound to see that Tangier is kept free from the war that is raging in other parts of Morocco. This they can do by preventing Spanish troops and Spanish native levies entering the zone. If they will not do this, then I see no alternative but to bring in an international force to protect the neutrality of the zone.

5. Captain Chidson returns to-morrow to Gibraltar, where, as adjutant of his regiment, I understand he has plenty to do. Should, however, the Spanish Government concur in the suggestion made in the last paragraph of my telegram No. 69, namely, that the British and Spanish military attachés should be instructed the moment an incident occurs to make a joint enquiry on the spot with the commandant of the French tabor, I propose to ask the military authorities at Gibraltar to allow Captain Chidson to return. As things are at present, Captain Pannabières submits a report on each incident, but if the Spanish High Commission decline to credit the reports and believe the *ex parte* statements of Spanish officers (see my telegram No. 67 of the 17th June), the only way of getting the truth established is for a joint commission on the spot to go into the facts and make their own report.

I have, &c.
R. H. CLIVE.

Enclosure 1 in No. 6.

Abd-el-Krim to Moulai Ali Alkhamlish.

(Translation.)

(After compliments.) *Agghar, Kaada* 15, 1343.

WE received your letter and understood its contents.

We thank you greatly for the reply you gave to the French captain (Pannabières) relative to his allegations about the action, in the zone termed international, by our troops who are guarding the Anjera frontier.

We inform you that if they desire the peace of the inhabitants of Tangier they should act justly towards those Moslems of our people who go to market in Tangier.

If matters continue as at present we shall be compelled to do that which may not please them and the requital will consist of acts in accordance therewith.

Peace.

Enclosure 2 in No. 6.

Abd-el-Krim-bel-Hadj Ali to Moulai Ali Alkhamlish.

(Translation.)

(After compliments.)

I HAVE to-day received your letter of the 6th Kaada, in which you ask for details of French prisoners. I told you yesterday a part of what I know and will give you those details later if you wish.

As regards what you know about the encroachment (on the right) of Tangier, I trust you will inform me who is the transgressor among us and where it occurred and when. Know that we will respect the Tangier zone in every way we can; but do you not see the Spaniards and the abominable acts they are committing in the Tangier zone, even at the tobacco monopoly at Tangier Balia? They are killing, taking captives and prisoners, indecently treating Moslem women and violating virgins. Is this just on their part or wrong? If Tangier is international, have we any rights there or have we not of the human race?

Now the nations must put a stop to the wrongs the Spaniards are committing against these poor people and leave them access to Tangier, to go there by daylight, by means of an international arrangement, otherwise Tangier will be exposed to dangers and become a place of anarchy, so that its streets will run with blood, for which the responsibility will be upon the Spaniards, who alone are doing these things. If you can convey this to the Mendoub of the Sultan and to the American and English bashadors, or to our friend the captain and others, do so, as this is evidence I address in support before them and before the whole world.

O God! we cannot endure that our women be taken to the military posts to be passed from one to another. Of Thee we seek help and in Thee we confide.

O God! this is black savagery and true barbarity.

I have no doubt that God will chasten this world by means of another grinding war, greater than its sister, if the colonisers do not restrain themselves and desist from what they are doing.

Moulai Ali, to-day there is warfare from Martin to the Fondak and to-morrow, if God wills, it will be from Martin to the Akba-el-Hamra.

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I am ready to do anything you require. If Mr. Harris wishes to go to the Riff by land or by sea, I am ready to travel with him in order to discuss peace.

May God assist you and peace.

Signature of your friend,

ABD-EL-KRIM-BEL-HADJ ALI.

(b.) Operations in French Zone.

[W 197/39/28] No. 7.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 104.)

My Lord, *Foreign Office, January* 6, 1925.

THE French Ambassador called upon me this afternoon.

After some references to Mr. Churchill's forthcoming conversations with M. Clémentel, he enquired whether I could now say anything to him about the protocol. He gathered from the press that it was unlikely that the proposed conference with the dominions upon the subject would now take place.

I said that we had been obliged to abandon the idea of a personal conference with the dominion Ministers, but that we were proceeding with our examination of the subject, and hoped to arrive at an agreed policy with them by correspondence. I might now add, as my personal opinion, that I thought it unlikely that we should be able to ratify the protocol as it stood, but we were examining it to see whether we could propose amendments which would render it acceptable to the Governments of the Empire. M. de Fleuriau thanked me for giving him this information, which, he said, caused him no surprise. He would not report it at this stage to his Government, as he thought it undesirable to say anything until we were in a position to define our attitude more clearly.

M. de Fleuriau then referred to what I had said in Paris to M. Herriot and M. Laroche on the subject of Morocco. He told me that he could now say definitely that it was not the desire of either M. Herriot or Marshal Lyautey to penetrate the Spanish sphere. If Abd-el-Krim attacked the French protectorate, Marshal Lyautey must defend himself, and in the military operations which followed he might not exactly observe the boundary, but neither he nor the French Government had any intention of occupying any part of the Spanish sphere. M. de Fleuriau then said that, speaking on his personal responsibility, he might add that last September the French Government had had some indications that the Spaniards intended to withdraw altogether from Morocco and to bring the Moroccan question before the League of Nations. Whether there was any foundation for these rumours he would not undertake to say, but in any case that was not now the policy of the Spanish Directorate. It would have been an extremely embarrassing development for the French Government, and he would perhaps at some time give me a memorandum of the reasons for which the French Government, basing themselves on their agreements with this country, with Italy and Spain, held that the question was not one which could properly be submitted to the League, but ought to be dealt with among the Governments immediately concerned.

I told M. de Fleuriau that I was very glad to hear what he had said of the intentions both of the French Government and of the marshal, that if at any time information reached either the French Government or ourselves that the Spaniards contemplated a complete withdrawal, it would be for our two Governments at once to exchange views, that I hoped that in the meantime there would be no occasion for Marshal Lyautey to carry military operations across the frontier, but if the necessity did arise and his action were confined to the immediate pursuit of an attacking force and with no idea of occupying any part of the Spanish zone, we should understand the military necessity and not raise objection. M. de Fleuriau told me that the marshal had asked for reinforcements of two battalions from France and five battalions, not all white troops, with engineers from Algiers in order to defend his present lines. The withdrawal of the Spanish forces caused him some anxiety, as he had placed some French posts in positions which he would perhaps not have occupied had he foreseen the Spanish retirement.

I am, &c.

AUSTEN CHAMBERLAIN.

[W 507/39/28] No. 8.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received January* 20.)

(No. 25. Confidential.)

Sir, *Madrid, January* 16, 1925.

WITH reference to my telegram No. 6 of the 14th January, I have the honour to transmit to you herewith copy of a confidential letter, in which the Acting President of the Directorate has forwarded to me the text of two notes addressed respectively to the French President of the Council and to the French Ambassador at Madrid, explaining the point of view of the Spanish Government with regard to certain questions raised by the French Government. The passage which Admiral Magaz marked himself is the final portion of the note of the 5th instant from the Spanish Ambassador at Paris to M. Herriot, in which the Ambassador states quite clearly that any infringement of the Spanish zone in Morocco by French forces would be a violation of the essential principles contained in the Franco-Spanish Agreement of 1912. This statement is, as you will perceive, called for by the declaration made by M. Peretti della Rocca to Admiral Magaz on his arrival here, to the effect that, whilst the French Government had neither the wish nor the intention to occupy any portion of the Spanish zone in Morocco which had been evacuated by the Spanish forces, they would, if attacked by Abdel Krim in their own zone, pursue him, if necessary, into the Spanish zone.

2. M. Peretti della Rocca, in informing me of the above-mentioned communication to Admiral Magaz, said that his Excellency had shown satisfaction with its terms. There is no doubt, however, that a further consideration of the French Ambassador's declaration has awakened the Spanish Government to the embarrassing situation which would be produced if the French forces invaded the Spanish zone, even only temporarily.

3. The note from the Directorate to the French Ambassador at Madrid, of which a translation is enclosed herewith, indicates the measures which the Directorate would like to see adopted by the French authorities in Morocco in order to deprive Abdel Krim and his adherents of supplies.

4. I have thanked Admiral Magaz for his courtesy in sending me the two notes in question.

I have, &c.

HORACE RUMBOLD.

Enclosure 1 in No. 8.

Acting President of the Directorate to Sir H. Rumbold.

(Confidentiel.)

Mon cher Ambassadeur, *Le* 13 *janvier* 1925.

AFIN que vous soyez parfaitement informé des points de vue du Directoire sur certaines questions qui ont soulevé quelques amicales observations de la part du Gouvernement de la République française, je me fais un devoir de vous remettre à titre personnel les copies ci-jointes des deux notes, dans lesquelles notre manière de voir a été dernièrement exprimée. L'un de ces documents a été adressé au Comte Peretti della Rocca; l'autre a été remis directement à M. Herriot par l'entremise de M. Quiñones de León. Je me suis permis de signaler au crayon les paragraphes les plus intéressants.

Veuillez, &c.

EL MARQUÉS DE MAGAZ.

Enclosure 2 in No. 8.

Spanish Ambassador, Paris, to M. Herriot.

M. le Président, *Paris, le* 5 *janvier* 1925.

J'AI eu l'honneur de recevoir en temps opportun la note en date du 30 décembre dernier par laquelle votre Excellence veut bien m'accuser réception de la lettre que, le 5 de ce même mois, j'ai eu moi-même l'honneur d'adresser à votre Excellence. Ainsi qu'il a eu l'honneur de l'exprimer à l'Ambassadeur de la République à Madrid,

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le Directoire militaire apprécie très sincèrement la déclaration amicale et formelle que votre Excellence veut bien réitérer dans la note sous réponse, et de laquelle il appert que le Gouvernement de la République—il ne pouvait en être autrement, étant données les excellentes relations unissant les deux pays—ne se propose nullement de contester les droits que l'Espagne entend conserver sur sa zone marocaine, et qu'il n'a pas, par conséquent, la moindre intention d'intervenir dans les affaires concernant la zone en question. Ces déclarations coïncident avec celles que M. le Comte Peretti della Rocca a eu la bonté de formuler dès que, ses lettres de créance à Sa Majesté le Roi d'Espagne une fois présentées, il a échangé avec le Président du Directoire militaire ses premières impressions. Se basant, sans doute, sur une interprétation erronée à laquelle donnait peut-être lieu par un défaut d'expression ma lettre du 5 décembre, votre Excellence veut bien attribuer au Gouvernement de Sa Majesté, dans la note à laquelle j'ai l'honneur de répondre aujourd'hui, des dispositions qui ne se trouvent pas dans son esprit, pour des raisons que j'exposerai plus loin. S'appuyant sur ces dispositions supposées, votre Excellence veut bien formuler, au nom du Gouvernement de la République, certaines intentions que le Directoire militaire estime se trouver en opposition avec les déclarations amicales dont il vient d'être fait mention. Il convient à ce propos de rappeler les termes de ma note du 30 décembre. Après avoir déploré que le soulèvement d'une partie des Kabyles de Djeballah ait augmenté le risque de la situation de certaines positions de la zone française, j'y déclarai que, pour y remédier, le Directoire trouvait entièrement justifié que les autorités de Rabat prissent certaines mesures—dans leur zone s'entend—analogues à celles que les autorités militaires espagnoles—également dans leur zone—ont eu à prendre pour se prémunir dans des régions contiguës à la zone française contre des influences et des propagandes s'opposant à l'action espagnole, et provenant du protectorat voisin. En parlant de ces mesures, ma lettre faisait allusion à celles concernant l'installation de postes militaires dans les régions-frontières; au blocus effectif et rigoureux; à l'intensité donnée aux travaux de propagande dans ces régions aux moments où elle est rendue indispensable par une plus grande effervescence dans la zone limitrophe; à la plus grande mobilité et à la vigilance plus rigoureuse des colonnes chargées de la surveillance le long des lignes séparant les deux protectorats voisins, &c. De telles mesures, ainsi que d'autres ayant le même but, sont celles que le Directoire trouve parfaitement justifiées, dans les circonstances présentes, de la part des autorités militaires françaises; toujours naturellement, sans dépasser le territoire dans lequel et d'une manière exclusive il leur appartient d'exercer leur action protectrice. Se séparant de cette interprétation de ma note du 30 décembre, le Gouvernement de la République semble avoir compris, au contraire, que, lorsque dans ce document il est parlé de mesures adoptées dans des occasions antérieures par les autorités militaires espagnoles, je faisais allusion à des mesures exercées par ces autorités en dehors de leur zone propre et dans l'intérieur de la zone française. Votre Excellence veut bien, en outre, faire allusion à un fait précis qu'elle suppose avoir eu lieu récemment: c'est-à-dire à la pénétration en zone française de quelques patrouilles espagnoles de cavalerie, poursuivant un groupe de rebelles et qui auraient étendu ainsi, jusque dans le territoire soumis au protectorat français, leur action répressive. Je dois avant tout déclarer à votre Excellence de la façon la plus formelle et sur les indications expresses reçues de mon Gouvernement, que le Directoire militaire n'a eu jusqu'à présent la moindre connaissance que le fait en question ait été accompli par des forces militaires espagnoles. Sur l'information contenue dans la note de votre Excellence, le Gouvernement de Sa Majesté ordonne qu'une enquête soit immédiatement ouverte en vue d'établir la réalité des faits. Je suis de toute manière autorisé à déclarer à votre Excellence que, dans le cas où des forces espagnoles, contrevenant aux instructions réitérées qu'elles ont reçues, auraient réellement pénétré en zone française à la poursuite de groupes rebelles qui y auraient cherché refuge, les sanctions opportunes seraient appliquées, ce qui fournirait l'occasion de renouveler aux autorités militaires les ordres les plus strictement précis pour éviter que les instructions reçues ne soient à nouveau outrepassées. Le Gouvernement de Sa Majesté se voit contraint, cependant, à affirmer que même en supposant que la réalité des faits énoncés coïncidât avec les informations reçues par le Ministère des Affaires étrangères, cela ne signifierait aucunement que les personnes responsables auraient ajusté dans cette circonstance leur activité aux vues du Directoire militaire, lesquelles, selon la déclaration que j'ai faite et que je réitère expressément, sont entièrement opposées

et s'inspirent, d'un côté, dans le respect de la liberté d'action de chacun des deux Gouvernements dans leurs zones de protectorat respectives, et, d'un autre, dans la ferme intention de limiter d'une façon exclusive à chacune des zones propres l'action de chaque Gouvernement, en s'abstenant d'une façon absolue, et avec le scrupule le plus grand, de toute intervention dans l'intérieur de la zone contiguë. L'équivoque à laquelle ont pu donner lieu quelques-unes des déclarations contenues dans ma note du 5 décembre une fois dissipée, je me permets, suivant les ordres de mon Gouvernement, d'exprimer la certitude que le Gouvernement de la République se rendra compte que toute initiative comportant l'intention d'étendre, fût-ce temporairement et pour des motifs urgents et de circonstance, l'activité des forces françaises aux territoires de la zone espagnole du Maroc signifierait une transgression aux principes essentiels qui inspirent la Convention hispano-française de 1912; elle se trouverait, en outre, en opposition avec les amicales déclarations que j'ai eu l'honneur de citer de M. Peretti della Rocca et dont la base primordiale se trouve précisément être la ferme intention du Gouvernement de la République de ne pas s'immiscer dans les affaires de la zone espagnole et de ne pas intervenir dans celle-ci sous aucun motif. Étant données les dispositions affectueuses qui viennent d'être manifestées par les deux Gouvernements, je ne peux douter que votre Excellence s'empressera de dissiper l'inquiétude sincère produite dans l'esprit du Directoire militaire par l'affirmation que le Gouvernement de la République se réserve la faculté de repousser hors même des limites de la zone française une agression menaçante pour la sécurité des tribus protégées par la France ou qui viendrait à créer des difficultés à son action militaire ou politique. Je me permettrai, en outre, de souligner la marge presque illimitée laissée par ces expressions qui pourraient se prêter, à un moment donné, à une intromission inacceptable dans notre zone, absolument contraire aux conventions en vigueur, ainsi que j'ai eu l'honneur d'exposer.

Veuillez, &c.

J. QUIÑONES DE LEON.

Enclosure 3 in No. 8.

Admiral Magaz to Count Peretti della Rocca, French Ambassador in Madrid.

(Translation.)

Your Excellency, *Madrid, December* 30, 1924.

I HAVE had the honour to receive your Excellency's note of the 26th instant, in which, in order to amplify what you were good enough to communicate to me in our conversation of the 22nd, you kindly explain again the points of view of the French Government with regard to the principal points which arise in Moroccan affairs as a result of the present circumstances. The attitude of the French Government, says your Excellency, is determined by the conventions signed by France and England in 1904; by France and Spain in 1904 and 1912, as well as by the Treaty of Protectorate approved by the Powers signatory of the Act of Algeciras. In virtue of the above agreements, your Excellency adds, intervention in Morocco lies solely in the province of Spain and France, each within the limit of their rights. The French Government, in conformity with the traditions of friendship which fortunately unite the two countries, maintains close contact with His Majesty's Government with regard to these matters. Your Excellency further says that the French Government will adopt the necessary measures to guarantee order and security in the territory of the French zone, and does not in any way harbour the intention of interfering in the internal affairs of the Riff which the convention of the 27th November, 1912, confided to the administration of His Majesty's Government, and over which Spain proposes to maintain her rights. I must, in the first place, express the feeling of pleasure which is produced on His Majesty's Government by the agreement between the opinion expressed by your Excellency on the points above mentioned and the views of the Directorate as expressed in the note which was recently addressed to M. Herriot by His Majesty's Ambassador in Paris with regard to these same matters. "The Spanish Government," said Señor Quiñones de León in the said note of the 3rd December, "who have sacrificed to the strict observance of the convention of 1912 national interests of considerable importance, feel convinced that whatever measures the French protectorate find it necessary to adopt in their territory they will leave

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intact the autonomy of the Spanish zone and will be inspired by the fulfilment of the Franco-Spanish Pact of 1912 and by a sentiment of friendly respect for our measures of penetration and government." The similarity of views which I have just had the honour to point out constitutes, in the opinion of His Majesty's Government, the surest and most welcome demonstration of the friendly identity of views which exists between the Governments of the two countries on this point of so vital an importance. With regard to the rumours which have been circulated in a portion of the press on the subject of the forthcoming convocation of a supposed international conference in which the affairs of North Africa were to be discussed, I am happy to inform your Excellency that the Military Directorate have never for one moment credited these rumours, as they could never have believed that on such a subject any resolution, however vague, could have been adopted by third Powers without the co-operation of Spain—the nation chiefly interested. Further, the Military Directorate feel that, as the matters in question are regulated by international conventions, so long as each of the Governments who sign them observe their fundamental agreements scrupulously, the intervention of those Powers who are more or less directly affected by the situation of the Straits of Gibraltar or the equilibrium in the Mediterranean cannot be admitted even hypothetically, though, in the event of the non-observance of the agreements, His Majesty's Government would consider intervention necessary and unavoidable. With all reserve and in a friendly spirit, which I appreciate most sincerely, your Excellency is good enough to refer in the last part of your note to questions of contraband. The French Government attach great importance to this matter and have received information on the subject from the French Resident-General in Morocco, in whose opinion the best way of completely reducing Abdel Krim would be to prevent the provisioning of the territory which he occupies both by sea and land. Marshal Lyautey has been good enough to say that if concrete instances could be submitted to him on these points he would redouble the efforts which he has already made to prevent the rebels provisioning themselves through the French zone. I should like, first of all, to ask your Excellency to be good enough to transmit to your Government and to Marshal Lyautey an expression of the gratitude of His Majesty's Government for the friendly disposition shown by this offer. With regard to the actual smuggling, it is clear to His Majesty's Government that certain supplies of arms and war material may have reached the rebels by sea in small vessels of such character and of such very small tonnage that their capture is almost impossible, however careful a watch be kept. You will forgive my saying further, that the Spanish authorities will continue to exercise, as in the past, a continual watch off the coasts of our zone. The Military Directorate still think, nevertheless, that the bulk of the provisions and supplies of all sorts reach the rebels overland. The sources of information at the disposal of the Spanish authorities have, for some time past—and in particular since 1921—agreed in indicating the regions of Taza, Taurit and Uxda, as the most obvious centres from which the provisioning of the rebels, even if it be only partial, is organised and carried out. Without prejudice to giving your Excellency fresh facts I must mention the name of the native, Haddu Ben Hammú, as the person who is notorious as playing the rôle of the principal agent of Abdel Krim and the rebels in the zone of Taurit and Uxda above mentioned. Since 1921, just after the retreat from Annual, this native has been occupied in this sort of intrigue, and has passed from the Spanish to the French zone without the French authorities putting the slightest difficulty in the way of his moving freely in their zone, or even on Algerian territory. His Majesty's Government gladly recognise that on several occasions the French authorities have rendered more difficult the manœuvres of Haddu Ben Hammú and his agents, successfully hindering the said natives from carrying out certain acts connected with the provisioning of the rebels. This, however, does not alter the fact, that the great freedom of movement with which he has always been able to circulate on the territories in question and the resulting ease which he has had in adding to, and even promoting, the provisioning and service of the rebels, has, from the first, produced a feeling of surprise and painful distaste in Spanish public opinion. The rebel chief's own brother, named Mohammed Abdel Krim-el-Jattabi, has repeatedly been to Oran, exciting by his presence a feeling of lively annoyance among the numerous Spanish colony in that place as well as protests, which, on certain occasions, were the object of preoccupation to the consular representative of Spain. I need not tell your Excellency that Spanish public opinion would regard as a demonstration of sincere friendship on the part of the French Government the despatch of instructions to the competent authorities to forbid the transit through

or the presence in the zone of the French protectorate, as well as on Algerian territory, of Haddu Ben Hammú as well as the above-mentioned brother of Abdel Krim and of any other native of the Spanish zone, whose relations with the rebels are notorious and whose names would be notified as occasion arose. The expulsion of the individuals in question from the territory mentioned, if they infringed the prohibition in question, would be the complement of the prohibition itself. His Majesty's Government, who have been asked in a friendly manner by the French Government to indicate what measures dependent on the goodwill of the French authorities can help to re-establish order in the Spanish zone and repress smuggling as well as increase the friendly relations happily existing between the two countries, beg leave now to point out for the guidance of your Excellency the excellent material and moral effect which would be attained by the non-admission into French territory of individuals so notoriously undesirable as the agents and collaborators of Abdel Krim-el-Jattabi and the Riff rebels.

I avail, &c.
EL MARQUÉS DE MAGAZ.

[W 1288/39/28] No. 9.

The Marquess of Crewe to Mr. Austen Chamberlain.—(*Received February* 17.)

(No. 409.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a report by the assistant military attaché of an interview with Colonel Heusch respecting Morocco.

Paris, February 16, 1925.

Enclosure in No. 9.

Lieutenant-Colonel Graham to the Marquess of Crewe.

My Lord, *Paris, February* 12, 1925.

I HAVE the honour to report that I had an interview on the 11th February with Colonel Heusch, Chief of Staff to Marshal Lyautey in Morocco.

He expressed himself as well satisfied with the results of the debate on Morocco in the Chamber on the 4th and 5th February, and had no doubt that the Senate would also pass the additional credits of 5 millions asked for.

He was most insistent that it was no part of Marshal Lyautey's policy to move a single soldier into the Riff. He (Marshal Lyautey) had pledged himself definitely to the Government in this respect; and it was to the telegram containing this pledge that General Nollet, Minister for War, referred in his speech in the Chamber on the 5th February, when he advocated the necessity of granting the additional credits for Morocco, and providing reinforcements.

Marshal Lyautey, in a despatch to the Government within the last few weeks, had formulated his arguments against any advance into the Riff on two primary bases:—

1. Such a policy could hardly fail to produce an embarrassing situation with regard to Great Britain ("des embarras vis-à-vis l'Angleterre").
2. A military operation on such lines would necessitate additional reinforcements of at least 50,000 men and considerable expenditure.

Further, the marshal was now convinced that the situation could be dealt with satisfactorily by moving the French line of defensive posts forward, *i.e.*, northwards, along various points east and west of the Ouergha River up to the boundary laid down by the Franco-Spanish treaties. (The French line of posts at this moment being in some places considerably short of this boundary.)

This will give the French more liberty of action north of their communications along the Fez–Oudjda road and railway, and at the same time prepare the way for political action with the tribes in the Spanish zone.

The plan of the French higher command is to separate by political and peaceful penetration the Djebala tribes from the rest of the Riff, and so gradually to undermine the prestige of Abdel Krim.

Colonel Heusch said the position of Abdel Krim obviously necessitated a state of continuous military activity on the part of himself and his warlike tribesmen. It was, in fact, his only means of existence, and of upholding his prestige. The fact, in addition, of a poor harvest and heavy rains in the Spanish zone encouraged the tribes to look southwards to the more fertile valley of the Ouergha and to indulge in marauding expeditions over the frontier. The attempts of the Spanish higher command to close the markets on the coast to the tribes would also aggravate this tendency.

The French were prepared to meet any attack that might come; reinforcements were sufficient, and any aggression on the part of the tribes would be most severely and drastically dealt with, but no punitive expedition would be undertaken beyond the frontier, as laid down by the treaty.

Colonel Heusch produced the latest intelligence maps from that area, and showed how aeroplanes' reconnaissance had already established that Abdel Krim was now busy constructing roads, throwing bridges over the rivers, and making trenches; in short, there was every sign of preparation for offensive operations against the French front, north of Taza. Trenches, in fact, had actually been constructed by the hostile tribesmen in the no-man's-land south of the treaty boundary.

Colonel Heusch then referred to the position in the Spanish zone; he is of opinion that Tetuan cannot be held, and that the Spaniards will ultimately go back or be driven back to Ceuta. The present line, in his opinion, is too long to be held by the "close system" of posts at present envisaged, more especially with the Anjera tribes still armed behind it.

The employment of mustard gas by the Spanish army in bombs dropped from aeroplanes is, in his opinion, deplorable, and will have a most unfortunate effect. Some eighty native women and children appear to have arrived in hospital with loss of eyes, and according to reports received by the French intelligence, Abdel Krim has taken toll and gouged out the eyes of an equal number of Spanish prisoners.

I have, &c.
D. W. GRAHAM,
Assistant Military Attaché.

[**W 4237/186/28**] No. 10.

The Marquess of Crewe to Mr. Austen Chamberlain.—(Received May 13.)

(No. 1121.)
Sir,
Paris, May 12, 1925.

IN an enclosure in my despatch No. 1094 of the 8th May it was reported that M. Ponsot, head of the African Department at the Quai d'Orsay, in conversation with a member of my staff on the subject of the present campaign on the northern frontier of French Morocco, had stated that there was no intention whatever on the part of the French Government of entering the Spanish zone in prosecution of military operations.

It is perhaps worthy of record that, in a further conversation with a member of my staff on the 11th May, M. Ponsot reverted of his own accord to the question of the present military operations. Although he stated that for the time being the situation was well in hand, he expressed considerable anxiety as regards the future. France, he said, could not be exposed every year to a recurrence of attacks of this kind. The French Government were quite well aware that preparations were going on in the Spanish zone, and Spain did nothing whatever to prevent this or to reduce the danger threatening French Morocco. He compared the situation to that during the Carlist rebellion in Spain, at which time France had been under the obligation—usual in such cases—to disarm and intern any Spanish forces which crossed the Franco-Spanish frontier. Spain should similarly control the Riff forces which were engaged in operations on the French front. But nothing was done. M. Ponsot felt, therefore, that in each succeeding summer season there would be recurrence of hostilities. France could not sacrifice 300 or 400 men annually in this way.

From the general tenor of M. Ponsot's remarks, it was quite clear that he contemplated that France would ultimately be forced to raise the question of her entry into the Spanish zone, at all events for military purposes. M. Ponsot even stated that in course of time the whole position would have to be reconsidered. He also remarked that the Riffians in the Spanish zone had in point of fact a perfect right to move into any other part of Morocco, as Morocco was one entity. Nevertheless, at present there existed north of the French frontier a large zone which belonged to and was controlled by nobody, and was consequently a permanent danger.

I have the honour to enclose a further report on the operations in Morocco which has been furnished to me by the military attaché at this Embassy.*

I have, &c.
CREWE.

[**C 6509/459/18**] No. 11.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 1685.)
My Lord,
Foreign Office, May 13, 1925.

THE French Ambassador called this afternoon to inform me that he hoped to be able to hand me a copy of M. Briand's draft reply to the German Government on the pact proposals on Friday or Monday next. In looking at the record of our former conversations, he observed that I had spoken of a preliminary agreement between the French and British Governments before communications were made to Brussels and Rome. He now asked whether I had any objection to simultaneous communication being made to those capitals. I replied that, on the contrary, I should welcome it.

We then chatted for a few moments about M. Kalfov's visit and about the position in Morocco. I took the opportunity to call his attention to the answer which I had given to Commander Kenworthy's suggestion for our intervention as reported in the official debates of the 11th May.

I am, &c.
AUSTEN CHAMBERLAIN.

[**W 5092/186/28**] No. 12.

The Marquess of Crewe to Mr. Austen Chamberlain.—(Received June 3.)

(No. 1265.)
Sir,
Paris, June 2, 1925.

IN my telegram No. 202 of the 29th May I had the honour to report the more salient points in M. Painlevé's speech in the debate which has been proceeding in the Chamber of Deputies on the situation in Morocco.

This debate came to an end on the 29th May in a manner highly satisfactory for the Government, the whole House according them its support with the exception of the Communists, who throughout the debate had conducted themselves in a disorderly and offensive manner, and whose attitude towards the subject under debate was justly stigmatised as anti-national and subversive. Indeed, in the earlier stages of the debate it became necessary to censure M. Doriot, the mover of the Communist "ordre du jour" for utterances which were directly seditious as furnishing encouragement to French troops to fraternise with the enemy.

I have the honour to enclose herein a despatch addressed to me by the assistant military attaché at this Embassy summarising those parts of the debate which deal more particularly with the military aspect of the matter.

The most noteworthy result of the debate, from the point of view of foreign policy, has been to bring out clearly the fact that France neither desires nor intends to set foot in the Riff. In answer to M. Doriot, M. Briand stated on the 27th May that France was not at present on Riffian territory, and on the 28th May he announced that, after the territory attributed to France by treaty had been liberated, French troops "would not take one step to penetrate into the Spanish zone." All designs of colonial conquest and of imperialism were emphatically repudiated both

* Not printed.

by M. Painlevé and M. Briand, and both were equally definite in denying all intention of encroaching beyond the zone allotted to France by treaty. The statements made by the President of the Council in his speech on the 28th May have been transmitted to you *in extenso* in my despatch No. 1243 of the 29th May; speeches delivered by the Minister for Foreign Affairs on the 28th and 29th May are enclosed in my despatch No. 1258 of the 1st June.

As regards the general policy to be followed in dealing with the Riffian aggression, some interesting statements were made during the debate. Interrupting M. Doriot on the 27th May, M. Briand stated that a question of loyalty was involved. There was a treaty which established two zones. It was the duty of France and Spain to go hand-in-hand when dealing with incidents which might arise in either zone. In a further interruption on the following day, M. Briand expressed the hope that, in the face of the present situation in Morocco, there would arise between France and Spain such agreement for a prompt conclusion of peace that there would be no danger of dissensions between the two countries being fostered in the future by malicious press campaigns or other manœuvres. On the same day, in a lengthy interposition, M. Briand pointed out the difficulty of direct negotiations with Abdel Krim, such as were advocated by the Communists. Direct negotiations were impossible, owing to the situation created by the international engagements governing Morocco. "Whatever may happen, whatever may be done to induce us to make the unwise move which would reopen the question from the international point of view—that is to say, which would make the Moroccan problem insoluble for many years—we will not make that unwise move which some may look for from us." ("Quoiqu'il arrive, quoi qu'on fasse pour nous amener à faire le geste imprudent qui rouvrirait la question au point de vue international, c'est-à-dire qui rendrait insoluble pour de longues années le problème marocain, nous ne ferons pas ce geste imprudent que certains peuvent attendre de nous.") "We shall remain in one zone." M. Briand continued: "We shall not set foot in a zone which is not ours. That is to say, we shall fully respect the treaties. If aeroplanes" (this in reply to a Communist interruption) "fly over the field of military operations, that is because the Riffians have seen fit, by falsely interpreting the frontier, to come and fight against us. On the day when the Riffians shall have left that district our aeroplanes will cease to fly above it. . . . . The frontier has been fixed by treaty, and if at certain points it has not been defined with sufficient precision, it is not with Abdel Krim, it is with the sovereign authority in the Spanish zone that agreement must be reached, in conformity with the provisions of the treaties. . . . . Only an agreement with Spain admits of a definite regulation, with juridical value, of the frontier between Spain and us. The zone is perfectly indicated, and, besides, if any difficulty could arise as regards the tracing of that frontier, it is between Spain and us that it would arise." M. Briand asserted that Abdel Krim and the Riffians had no juridical status ("faculté juridique") for negotiation. For France to negotiate directly with Abdel-Krim would be an incorrect action, an act of disloyalty to Spain, "whose vassal he is" ("dont il est le ressortissant"). M. Briand went on to enlarge upon the neighbourly relations and solidarity of interests between France and Spain. The mistake had been that these had been neglected too long and that common action had not been contemplated, "which might perhaps have prevented certain misunderstandings and averted certain events." An agreement was necessary, and the first point in such an agreement was peace as quickly as possible. M. Briand then alluded to M. Malvy's mission to Spain, which had had the happiest results, and as a result of which the two countries were on the point of agreement on various matters. M. Briand mentioned a common investigation of the earliest possibilities of peace in Morocco, and, in particular, joint measures against the traffic in arms to the Riff. Spain had further been asked to join her efforts with those of France to secure a speedy peace. M. Briand hoped that an agreement could be reached, but there was no question of a partition of the Riff territory. He added that the Spanish Government had, in his opinion, no intention of going back on their decision to leave the Riff free in the hands of the Riffians, while France had no intention of taking "an inch of territory beyond the French zone."

The attitude of the Government both as regards the immediate problem of pacification on the northern frontier of the French zone and as regards the wider problem raised by the Spanish evacuation of the Riff seems, therefore, to have been clearly defined, and may perhaps be summarised as follows:—

No encroachment and no penetration into the Spanish zone (although it may perhaps be assumed that immediate military exigencies may force France to employ

the "droit de suite," a point which no doubt will figure in the negotiations proceeding with the Spanish Government), and a general policy of joint action with Spain in all questions in which the interests of the two Powers in their respective zones are involved.

The debate has thus undoubtedly contributed much to define French policy, and has had the useful effect of indicating the marked degree in which that policy is supported in the country.

The wording of the "ordre du jour," for which priority was voted by 516 votes to 29 (revised figures), was as follows:—

> "La Chambre, fidèle à la politique de paix que le pays a si fortement affirmée le 11 mai 1924 et qu'il vient, à nouveau, de confirmer les 3 et 10 mai 1925;
>
> "Décidée à assurer la sécurité de nos troupes, des territoires et des tribus placés sous notre protection par les traités internationaux;
>
> "Résolument opposée, au nom de l'humanité et de l'intérêt national confondus, à tout impérialisme de conquêtes et d'aventures;
>
> "Approuvant les déclarations du Gouvernement, lui fait confiance pour réaliser, dans ces conditions et dès qu'elles seront remplies, la paix au Maroc;
>
> "Envoie son salut reconnaissant aux vaillantes troupes métropolitaines et indigènes qui y défendent l'œuvre de la France et, repoussant toute addition, passe à l'ordre du jour."

An incident significant of the attitude of the Socialist party occurred on the second day of the debate in connection with this "ordre du jour." In its original form, drafted as it was with the collaboration and approval of all the groups of the *Cartel des Gauches*, it had not included the first paragraph, with its allusion to the last parliamentary and municipal elections, and the general wording was not quite so redolent of Socialist doctrine. The speech delivered during the debate by M. Painlevé, which met with the unqualified approval of all parties of the Opposition, had the effect of alarming the Socialist party, who feared that, if they voted for an "ordre du jour" which would clearly receive Opposition support, they would incur the disapproval of their supporters in the country and lose votes, and possibly even Deputies, to the Communists. On the other hand, it was practically impossible for them to abstain from voting an "ordre du jour" which they had played a large part in drawing up. They therefore inserted into the resolution the references to the recent election, and redrafted it in a form more pronouncedly Socialist, in the hopes of preventing the Opposition from voting for it. This design, however, was frustrated, mainly owing to a clever speech by M. Louis Marin, and the Opposition voted for the Government, a result which has not redounded to the credit of the Socialists. In its Moroccan policy, therefore, it is clear that M. Painlevé's Government will have the support of the Opposition. How far this may affect his general position, and whether his majority will shift rightwards on other matters as well, such as the budget, remains to be seen, but there can be no doubt that M. Painlevé has emerged stronger from the debate, that he has done much to conciliate the Opposition, and that the Socialist party has suffered something of a set-back.

A copy of this despatch has been sent to His Majesty's Ambassador, Madrid.

I have, &c.
CREWE.

Enclosure in No. 12.

Assistant Military Attaché to the Marquess of Crewe.

My Lord, *Paris, May* 29, 1925.

I HAVE the honour to submit a short report on the discussion in the Chamber on the military situation in Morocco, opened by two interpellations by M. Rénaudel (Socialist) and M. Doriot (Communist), on 27th May.

M. Rénaudel, in opening the debate, attempted to prove that Marshal Lyautey's action in advancing the French line of posts north of the Ouergha River in the late summer of 1924, had driven the Riffians to aggressive tactics by closing to them the fertile granaries of the Ouergha Valley. He omitted to mention that the Spanish retreat had not yet taken place, and that their blockade of the coastal markets, which has been continuously tightened ever since the Estella line has been taken up, has

probably been the direct cause of Abdel Krim's attempt to find an outlet for his impoverished tribes in the southern fertile plains on the French border. Altogether his intervention was not very convincing, though moderate in tone, which called for a tribute from M. Painlevé later in the evening.

Still less convincing was that of M. Doriot, the Socialist Deputy, who made wild accusations about the militarist policy of France, the tactics engineered by capitalists and their desire to exploit the mineral possibilities of the Riff.

Further, he read the silence of Italy on the present situation as a danger signal preparatory to a declaration by M. Mussolini that he would connive at the French exploitation of the Riff, provided that France would give up Tunis to Italy.

The sitting became more and more noisy, and finally the censure was applied by M. Herriot, as a result of constant interruptions.

M. Maginot opened the debate on Thursday, the 28th May, explaining under what conditions, when he was Minister for War, Marshal Lyautey had appreciated the necessity for making a bound of some 10 to 15 kilom. from the south to the north bank of the Ouergha River.

He, Marshal Lyautey, had explained in March 1924, that owing to the increase in *moral* amongst the tribes in that area, due to successes against the Spaniards, the occupation of a better tactical position overlooking the glacis to the north had been essential to the protection of the Fez-Taza artery—the main communication with Algeria. The bound was an advance of 12 kilom. on a front of 40 kilom.

Once decided upon, this operation had been successfully carried out with a minimum of loss, indeed with hardly a shot fired. Had this advance not been made in 1924, the infiltrations, which had in all conscience been serious enough, would have reached Fez itself.

M. Painlevé, President of the Council, then gave a summary of France's policy of colonisation and pacification in Morocco. It was well known, he said, that the Riffians came down into the plains of Algeria, and worked in numbers during the harvest. Peace with the inhabitants of the Riff would therefore always be possible, if they understood that France would tolerate no oppression of the tribes in the French zone, or pillaging within the line of posts.

What was the legal status of Morocco? The whole of Morocco, both French and Spanish zones, was under the suzerainty of the Sultan. The delimitation between the French and Spanish zones was defined by a Franco-Spanish agreement ratified by international convention. This frontier had been exactly defined in the east and west, but not in the centre, where it was sufficiently outlined as embracing the northern limits of the river tribes of the Ouergha. As French troops were only just north of the Ouergha, they had always been well within the limits of this frontier line.

He drew attention to Marshal Lyautey's division of Morocco as far back as 1921, into "Maroc utile" and "Maroc inutile." The Riff and the Great Atlas came under the latter category. The marshal had every intention of leaving them alone; 30,000 men were repatriated in the three years 1921–23, but at the end of 1923 the withdrawal of the Spanish advance posts caused a change in the situation, and the Riff menace began to date from that time.

M. Painlevé then read extracts from letters from Marshal Lyautey, dated December 1924, in which he asked for reinforcements in two echelons; the first to arrive in February 1925, and the second in April 1925, to meet the menace which he foresaw would materialise in the spring of the year. On the 7th April, he insisted again by telegram on the necessity of instant despatch of these reinforcements, or the situation would become very serious.

Having read all the documents bearing on the situation, he, M. Painlevé, was of opinion that there had been no surprise; everything, in fact, had been foreseen by the Higher Command in Morocco. Everything, intercepted letters and interviews with Moroccan chieftains, showed that Abdel Krim had staked everything on reaching Fez. France's task was to ensure the defence of her northern frontier, with a minimum of loss and expenditure, until such time as the Riffians would withdraw their invasion and give up their menace of Fez.

The Government refused to be drawn on the question of the exact number of troops engaged in Morocco, but M. Painlevé gave the losses up to date as follows: killed 400, of which two-fifths Frenchmen and three-fifths natives; and wounded 1,100.

M. Briand, who was constantly interrupted, said that peace depended on the Riffians. France would remain in her zone and would respect the treaties. M. Malvy

had gone to Spain to try and accelerate the possibilities of peace. He hoped that an understanding with Spain would result in the cessation of contraband.

To whom then, asked M. Berton, would the Riff belong?

To Spain, was M. Briand's reply.

M. Rénaud Jean, constantly interrupting, was finally censured.

At the night sitting, M. Ernest Lafont (Communist) criticised the military dispositions in Morocco.

The Socialists, apparently in the interval having decided not to vote, the President had no course but to adjourn the debate to the following day.

The debate was continued in a more subdued atmosphere on Friday the 29th.

M. Malvy was the first speaker, and made some remarks about his visit to Madrid, without making the House very clear as to its object or achievement. He stated quite clearly, however, that it had nothing to do with commercial ventures or exploitation of the Riff. He brought in the personal touch, and explained that in the cruel moment of his life, when he found himself an exile from France, General Primo de Rivera was the only true friend who stood by him. When he said that the general was also a firm friend of France, the remark was greeted with some derision.

M. Marcel Cachin, as the Communist leader, was the next speaker. He pleaded ill-health, but, nevertheless, made a long speech in a restrained and weighty manner. He referred back to the days of "secret treaties," when it was agreed that France should have a free hand in Morocco provided Great Britain had a free hand in Egypt. There was only one thing to do, give the Riff back to the Riffians, Morocco to the Moroccans. Lastly, he asked for peace, and peace immediately.

M. Rénaudel again intervened, apparently to explain the attitude of the Socialists the previous day. Assurance was required on two points: (1) that the agreement with Spain disclosed no military convention; (2) to contradict the statement that it was impossible to negotiate with Abdel Krim without bringing Spain into the negotiations.

M. Briand, who was in his best oratorical form, replied for the Government. He brought the debate back to the pressing questions of the moment. Of what use, he said, to talk of peace whilst French soldiers were surrounded and fighting for their lives in the advanced French posts, and while loyal tribes had thrown themselves under French protection to save them from Abdel Krim's menace?

He referred back to the days of the war, when Morocco, Algeria and Tunis were denuded of troops, and France in her hour of danger had to depend on the loyalty of the natives. If France's methods of colonisation had been those of oppression, then would have been the opportunity for the subjugated tribes to rise in revolt.

Turning to the present, he said that the door to peace lay open to Abdel Krim. But such a peace must be based on serious negotiations, and not on an expedient by which to prolong the life of a Government. (This statement received great applause.) But any such negotiations must be initiated after full agreement with Spain, and not with any idea of annexation or partition of the Riff.

M. Briand repeated twice that on no account would France set foot in the Riff.

It was idle to talk of the granaries of the Ouergha, when the rightful owners of these are taking refuge under cover of the French lines.

Finally, after a brief speech by M. Louis Marin for the Opposition, a vote of confidence in the Government was passed by 537 votes against 29. The amended "ordre du jour" reading "opposed . . . . to all imperialism, conquest and adventures the Chamber approves the declaration of the Government, and has confidence in it to realise the peace of Morocco by its decision to assure the security of our troops, territories and tribes placed under our protection by the international treaties."

I venture to suggest to your Lordship that the debate has been useful in clearing the air; it has shown exactly where lies the animosity to the development of French colonial policy in Morocco, apart from criticism of the actual operations in hand, and at the same time helped to restore confidence in the higher command in Morocco, and to dispel the too prevalent impression of Marshal Lyautey in a state of senile incapacity. The arrival of all the reinforcements, which is now completed, and the adoption of more active operations in the near future, is still further likely to dispel this illusion.

I have, &c.

D. M. GRAHAM, *Lieut.-Colonel.*

PUBLIC RECORD OFFICE, LONDON

[W 5628/186/28] No. 13.

Mr. Phipps to Mr. Austen Chamberlain.—(Received June 16.)

(No. 1355.)
Paris, June 15, 1925.

Sir,

WITH reference to the Marquess of Crewe's telegram No. 220 of the 9th June, I have the honour to inform you that, in the course of his visit to Morocco, which was concluded on the 14th June, and which included a brief tour of the front, M. Painlevé made a number of declarations, certain portions of which are of more than passing interest, and which I have the honour to report below.

2. According to the "Petit Parisien" of the 12th June, M. Painlevé, who had an interview with the Sultan on the 11th June, assured His Shereefian Majesty that he could count on the complete loyalty and energy of France, as well as upon the complete confidence which the French Government reposed in Marshal Lyautey. Upon the Sultan remarking that "the principal point was the maintenance of the French protectorate over Morocco," M. Painlevé is stated to have replied that "that was precisely the opinion of France. The authority of the Maghzen will remain without division over the whole of Morocco."

3. According to the "Petit Parisien" of the 13th June, M. Painlevé informed the newspaper correspondents that no official conversation had yet taken place with Spain, but that there was every reason to suppose that such conversation would be conducted with complete cordiality and success. M. Painlevé continued that after his discussions with Marshal Lyautey and the French local naval representative, he was able to state that the day was near when measures would be taken definitely to stop contraband of war as dangerous for the Spaniards as it was for the French.

4. According to the "Matin" of the 15th June, M. Painlevé, speaking to the newspaper correspondents at Rabat on the 14th June, announced that "everbody wants peace and peace with the least possible delay; that is a matter of humanity and of sane policy. Do those who in Paris spend their time in declaring that France does not wish to fight think that they really serve the cause of peace? Imagine for a moment that Abd-el-Krim supposed that the French were ready to depart. Do you think he would sue for peace? On the contrary, that would be just the way to compel us to continue fighting. I shall hold the necessary language at the tribune of the Chamber. If the Chamber is not content, it must bear the responsibility. We live in an age when the basis of peace is the respect for treaties, and on the day upon which you roughly infringe them because it is convenient you will upset the whole edifice of peace. A treaty can only be modified with the consent of all the signatories. In Morocco, there is the sovereignty of the Sultan. To France is delegated a part of this sovereignty in accordance with the treaty. We must then come to an understanding with the Spaniards in order to reach a suitable peace and not merely a truce, of which our enemies would avail themselves in order to fall upon us later under conditions more satisfactory for them. The French, Spaniards and Moroccans, in order to live in Morocco, must collaborate peacefully. We could not properly negotiate with Abd-el-Krim, who is in the Spanish zone Such a move for peace would be an act of violence against the treaties. We are not making war in order to conquer, but in order to obtain a peace in accordance with the stipulations of the treaties."

5. According to the "Matin," M. Painlevé then denied that the French would hesitate to pursue Abd-el-Krim into the Riff. M. Painlevé is alleged, in this connection, to have said that "we should eventually have the right of pursuit against the marauding tribes, but this right of pursuit would have to be exercised in agreement with Spain, if, as I hope, we arrive at a complete understanding with the latter country. Our conditions of peace are known to the world. Whatever may happen, no peace is possible until France recovers in complete freedom the territories which were entrusted to her. If we were to abandon those territories, we should abandon everything."

6. Two other items of interest with regard to Morocco have appeared in the newspapers in the last few days: (1) the Parliamentary Commission, the composition of which was reported in my despatch No. 1298 of the 8th June, left Marseilles for Casablanca on the 13th June, and (2) the "Petit Parisien," of the 13th June, announced that the Franco-Spanish Conference on Morocco would open at Madrid on the 17th June.

I have, &c.

ERIC PHIPPS.

[W 5851/186/28] No. 14.

Consul-General Clive to Mr. Austen Chamberlain.—(Received June 22.)

(No. 180. Confidential.)
Tangier, June 14, 1925.

Sir,

FROM my telegram No. 60 of the 9th June it will be clear—if it was not so already—that Marshal Lyautey realises that the campaign against Abdel Krim is far more serious than was ever anticipated and must at all hazards be stopped.

2. I mentioned in my despatch No. 166 of the 2nd June that Mr. Harris was leaving for Rabat at Marshal Lyautey's request. Mr. Harris is on terms of such intimacy with the marshal that the latter not only consults him but lets him read his confidential correspondence with the French Government. This apparently is done with the approval of the French Government, for among the telegrams shown to Mr. Harris was one from M. Briand agreeing to Mr. Harris being used in any way the marshal thought best to help to bring about peace. The immediate reason for M. Painlevé's sensational departure by aeroplane for Rabat was, so Mr. Harris tells me, due to a telegram from the marshal in which he said that the French military position was such that it was absolutely necessary to come to an arrangement before the autumn. Marshal Lyautey having decided that, even if possible, it would be very impolitic to attempt to conceal the true state of affairs, authorised Mr. Harris to explain it to the world at large, in a series of articles which are now appearing in the "Times," though it may seem curious that he preferred to do this through an English rather than a French journalist.

3. The idea of British intervention, or rather the good offices of His Majesty's Government, in order to bring about peace, is certainly not a new one in the eyes of the natives. Shortly after my arrival here last October I was repeatedly told that it would be impossible to bring about a lasting peace between the Spaniards and the Riffis without the intervention of some foreign Power, and the only Power in whom Abdel Krim would have sufficient confidence would be Great Britain. According to Mr. Harris, Abdel Krim might be disposed to accept the good offices of the American Government.

4. What I gather Marshal Lyautey is at all costs most anxious to avoid is another Moroccan conference, an idea to which Italy is known to be favourable and to which Spain would not be averse. It is for this reason, according to Mr. Harris, that the marshal would be ready to accept the good offices of His Majesty's Government if the Spanish Government and Abdel Krim could be induced to fall in line with such a proposal.

5. I am anxious that there should be no misunderstanding about the form in which my telegram No. 60 was sent. Mr. Harris came to see me immediately on his return from Fez and explained to me verbally what was said in that telegram. I asked him to put what he said in writing. As he did this in a form suitable for telegraphing I preferred to keep Mr. Harris's own wording, although I realised that, in view of various incidents which have happened in the past, it might possibly be thought that Mr. Harris was trying to play the rôle of intermediary between Marshal Lyautey and His Majesty's Government. Mr. Harris assures me that he has never had any such intention. The initiative came from Marshal Lyautey, who asked him to try and ascertain in any way he thought best whether, in the event of the French Government approaching His Majesty's Government through the usual diplomatic channels, they would be likely to receive a favourable reply. He accordingly laid the matter before me. I told him I would communicate to you the marshal's views, but that he need not expect that any reply would be returned through the same channel. He quite understood this.

6. As an intermediary with Abdel Krim, Mr. Harris can of course be very useful to the French; in fact I gather that there is really nobody else they can use in quite the same way. While it is true that Mr. Harris has failed to obtain any satisfactory reply from Abdel Krim as to his peace terms, he is waiting for the psychological moment to approach him again. The chief difficulty in the eyes of Marshal Lyautey is to come to a satisfactory arrangement with the Spaniards, either for combined action against Abdel Krim or for joint action in coming to terms with him. The marshal is especially opposed to the suggested landing at Alhucemas as unlikely to produce any tangible results while containing the possible risk of a serious disaster. A serious set-back to the Spaniards this summer would be bound to render any negotiations with Abdel Krim infinitely more difficult.

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7. If Marshal Lyautey is prepared to admit openly that the military position *vis-à-vis* Abdel Krim is one of stalemate, one is justified in supposing that this is an optimistic view of the situation, and does not exclude the possibility of the defection of other tribes which are supposed to be friendly. In this connection I enclose an extract from a letter* from Mr. Were, who is acting as vice-consul at Fez, to Mr. Ryan, in which he draws attention to what he evidently considers to be an obsession of Marshal Lyautey, namely, that it is impossible that the tribes who have once tasted the benefits of French domination should be ever willing to secede.

I have, &c.
R. H. CLIVE.

[W 6163/186/28] No. 15.

Consul-General Clive to Mr. Austen Chamberlain.—(Received June 29.)

(No. 190.)
Sir, *Tangier, June 22, 1925.*

I HAVE the honour to enclose translations of the following correspondence with Abd-el-Krim in regard to peace :—

(1.) From Abd-el-Krim to Mr. Harris, Kaada 8 (1st June).
(2.) From Abd-el-Krim to Mr. Harris, Kaada 15 (8th June).
(3.) From Mr. Harris to Abd-el-Krim (19th June).
(4.) From Abd-el-Krim to Moulai Ali Alkhamlish (the British semsar), for communication to Captain Panabières, Kaada 8 (1st June).
(5.) From Khareirou to Moulai Ali Alkhamlish, Kaada 20 (13th June).

From the foregoing correspondence it is clear that the French authorities are using two channels in Tangier for communication with Abd-el-Krim, Mr. Harris, the correspondent of the "Times," and Captain Panabières, the commandant of the French tabor, the communications for the latter being sent through the British semsar, Moulai Ali Alkhamlish.

2. I cannot help feeling that Marshal Lyautey's eagerness for peace, and the frankness with which he has let this be known, may have the effect of stiffening Abd-el-Krim in regard to the terms which he is likely to accept. Native informants from the Riff do not admit that their losses have been anything like those claimed by the French—namely, 4,000 to 5,000 killed (see my despatch No. 186 of the 19th June); on the other hand, they maintain that no less than 8,000 French wounded have been moved to Casablanca alone. Again, although it is not contended by the French that Abd-el-Krim has foreign officers, yet there is no doubt that he has a considerable number of foreign technical experts, in almost all cases men who have escaped from the French and Spanish foreign legions. But for the fact that Germans are not allowed in the Tangier zone, many of the German legionaries would naturally make their escape through Tangier; as it is they make their escape into the Riff, where it is estimated there are now 150 to 200 Germans alone. These figures have been given me by His Majesty's vice-consul at Tetuan, who has them on very good authority. The post of Biban was captured from the French chiefly with the aid of artillery fire, a very significant fact when it is known that in the past the Riffs have been unable to make use of the guns they captured. It is believed they have about forty Spanish guns and about twenty French, twelve alone having been captured at Biban.

3. Both native and French reports from the French protectorate tend to show that there is an increasing feeling amongst the French against Marshal Lyautey, and that unless terms can be made with Abd-el-Krim before long his position will become more and more difficult, however much M. Painlevé and M. Briand are prepared to support him.

4. In the Spanish zone an intensive attack is now being made against the Spanish lines along the whole front from Ceuta to Alcazar. Mr. Harris's Riffi informant, who brought in the letters from Abd-el-Krim, said that while the latter would be prepared to come to terms with the French, he was as determined as ever to drive the Spaniards from Morocco. This may be bluff. In any case it remains to be seen what impression can be made on the Spanish defensive line. The recent attack on Ben Karrish ended in a manner very creditable to the Spaniards. It is true they lost over 100 casualties,

* Not printed.

but by a swift counter-stroke General Primo de Rivera regained the ground lost and inflicted as heavy or perhaps heavier losses on the enemy.

5. It is very difficult here to get at the truth about the proposed landing at Alhucemas Bay. That preparations are going on I saw with my own eyes, as when recently at Tetuan I went down to Rio Martin, where were two "K" lighters being prepared for action; the same thing is going on at Ceuta and Algeciras. General Primo told me that if the attempt was made he was hopeful of success, as he believed that many Riffis who were tired of the war and anxious to get in their harvest would not oppose the landing. It is suggested here that M. Echevarietta, who is now negotiating again at Ajdir, is arranging to purchase from the Riffis their permission to make the landing so that the Spaniards may be able to proclaim to the world their ability to do so, and so save their face before retiring finally from the Riff. I have no idea whether there is any truth in this rumour, which I report with all reserve.

6. During the conversation which I had with General Primo I could not avoid the impression that he attached very little practical value to co-operation with the French. He said it would be useful for stopping contraband, but I have no information that contraband has been reaching the Riff from overseas. They have admittedly enough captured rifles and ammunition for a long campaign. They are strictly rationed as to food-stuffs, but apparently have sufficient if care is exercised. The idea of a peace *à trois* seemed to commend itself as little to General Primo as to Abd-el-Krim.

I have, &c.
R. H. CLIVE.

Enclosure 1 in No. 15.

Abd-el-Krim to Mr. Harris.

(After compliments.) *Kaada 8, 1343.*

I RECEIVED your letter, in which you request permission to come here.

Very good. If you have any object in coming there will be no obstacle, rather the contrary.

As regards the manner of coming and the route, you know that, and when you enter upon the territory under our authority you will meet with a suitable person.

If there is no personal object and advantage to yourself or to your nation do not come, because at present there is a state of war on all the frontiers and many embarrassments on our borders, both land and sea.

Peace.

Enclosure 2 in No. 15.

Abd-el-Krim to Mr. Harris.

(After compliments.) *Azgar, Kaada 15, 1343.*

I RECEIVED your letter in which you offer to publish my ideas in your paper, the "Times."

In the first place I proffer to you my most cordial thanks.

As regards my ideas, they are not hidden from you. I can embody them in the following sentences :—

We wish to guard carefully our independence and attain human equality so that it may be possible for us to live as every man lives who is cognisant of his rights and his duties. And in order to attain this end we are prepared to sacrifice all we hold dear, as we fear nothing and we firmly believe that we are justified in our demands and in our struggle against those who seek to act tyrannically against us and deprive us of the blessing of the enjoyment of those sacred rights without which man is not called human, rather is he another irrational animal.

As to those who do not desire to filch these blessings from us, we would wish to live in peace and harmony with them; yea, even in clear and sincere amity.

Without those blessings we also cannot live a life of progress and mount to that greatness and glory which honours the son of man.

This is the substance of my ideas. It interprets all my proposals (or objects), all of which you know.

Peace.

Enclosure 3 in No. 15.

Mr. Harris to Abd-el-Krim.

Tangier, June 19, 1925.

(After compliments.)

I RECEIVED your letter and the verbal messages sent by your man.

I have done all you ask, but find difficulties in the way, especially the letters you send and your incitements to the tribes in the French zone. Even your political letters (*i.e.*, those written to the French authorities) are couched in strong terms, and from this it seems to me that you are not disposed to peace.

Therefore if you have the wish to obtain peace I am prepared to facilitate it, but only after you shall have shown signs of your inclination towards peace and have stopped the shedding of blood.

If this view meets with your approval write me your opinion. I am ready to smooth the path.

Peace.

W. B. HARRIS.

Enclosure 4 in No. 15.

Abd-el-Krim to Shereef Moulai Ali Alkhamlish.

Kaada 8, 1343 (*June* 1, 1925).

(After compliments.)

I RECEIVED your letter of the 15th Showal relative to the following matters: (1) that you had written to us on behalf of the French colonial party; (2) that we have committed frequent intrenchments on the French zone, had cut telegraph wires and that our troops had entered into the zone of the French colonial party; and, finally, you ask that our troops withdraw and fall back from the positions they now occupy in order to facilitate the discussions, which might, if we wish, take place at Ouezzan.

In reply, I would state that we have never committed any intrenchments (? on that zone), but that intrenchments have been committed by the French colonial party on many occasions. We made the necessary protests about this at the time, but we only met with mockery, ridicule and feigned ignorance concerning everything that would bring about better relations between the two sides.

We did not find this strange, coming from them, as we had prepared, as all weak people like us do prepare. This is their (the French) practice, and they have gone to the extreme in intrenching on our rights and in derision.

Whenever they have committed an offence against us by seizing a portion of our territory they at one time say it is not done by them but by some of the officials who have acted on their own initiative; at another time they say the territory is theirs and that they have the right to occupy more wherever they please.

Last year Ould-el-Medboh, with a troop of men, came and occupied Marnissa and sought to remain there, alleging that he was sent by the Shereefian Government and the protecting nation. He followed up this by seizing Senhadja, Jaia, Mtioua and Beni Zeroual on the plea that those tribes held fast to their allegiance to the Makhzen and that they had asked for this. Both before and after this they were arresting those who went to market there, taking from them certain articles under the designation of contraband, notwithstanding that we had paid exorbitant prices for them.

We endured all this patiently, shutting our eyes to it and making representations to the chief at Rabat, who vouchsafed no reply. Now our patience is exhausted, and we have met acts with acts. They declared war on us many years before this, and we have borne with it with great regret, but the time has come for us to stand up against them as an exterminator, and we have taken action and we do not fear them nor are we afraid of their menaces, nor anything else.

It is true that we wished to stand up against the colonial party and to fix for him a boundary to our territory, so that it should not enter into their minds that we fear him or that we fear death in the pursuit of our outraged rights.

If they revert to rectitude and desire to negotiate with us reasonable bases and converse as intelligent people converse, we are always ready to negotiate, as we have no desire for warfare nor for colonisation as they have. If they still maintain their ideas about colonisation and the employment of seduction and enigma, then the situation is as you see it.

Inform them from us and from all the Moslems under our jurisdiction that we are prepared for whichever alternative the colonial party may elect.

Victory is in the hand of Allah. It will be bestowed on whom He wills. As for their statement that they wish for peace with the Riff, they want it, but in the other sense, *i.e.*, they want that the Riff shall submit to them and become a pleasant morsel in their mouths. In this respect you should tell them that we are of the same mind. They want peace and tranquillity, but there is no tranquillity.

Peace.

MOHAMMED-EL-KHATTABI.

Enclosure 5 in No. 15.

Ahmed Harirou to Moulai Ali Alkhamlish.

Kaada 20, 1343.

(After compliments.)

I RECEIVED your letter.

As to what you say about the sporting cartridges, they have reached me, 700. Thank you. If you can get any more of the same mark, please send them to me.

The news of the French is that they can do no more. The Mujahidin (those fighting for the Faith) have surrounded them on all sides. As to prisoners, only God can estimate their numbers.

As for the Spaniards, we have attacked them these days. A big attack has been made upon them in the Beni Hozmar, and we are going for them in earnest.

Peace.

SIGNED BY AUTHORISATION OF AHMED HARIROU.

(c.) Operations in Spanish Zone.

[**W 1024/39/28**] No. 16.

Consul-General Clive to Mr. Austen Chamberlain.—(*Received February* 9.)

(No. 29.)

Sir, *Tangier, February* 3, 1925.

I HAVE the honour to enclose copy of a despatch from the acting vice-consul at Tetuan regarding the position likely to arise from the capture of Raisuli, and a memorandum by Mr. Irwin reporting the facts and possible consequences

It is too early to judge of the eventual effect on the Spanish position beyond saying that the view is universally held here that all prospect of an early termination of the present campaign is again relegated to the unknown future. Mr. Hope-Gill is inclined to share the less pessimistic view of the Spanish authorities that General Primo's policy will in the end prevail. I only hope this view may be justified.

I have, &c.

R. H. CLIVE.

Enclosure 1 in No. 16.

Acting Vice-Consul Hope-Gill to Consul-General Clive.

(No. 19.)

Sir, *Tetuan, January* 29, 1925.

I HAVE the honour to confirm my telegram of yesterday reporting the death or capture of Raisuli. Although the news is not yet substantiated in details, there seems to be no doubt that it is quite true. After severe fighting in the Beni Shara district of the Ahmas, Khareirou went north through Beni Aros to Ain Maabed near Menzora. There he concentrated dissidents from the more western tribes, and on the 26th made a concerted movement on Tazerut with d'Hiba from the east, the Riffs from Sheshawen, and Beni Ider from the north. They were apparently only able to occupy Tazerut after heaving fighting, in which the Shereef's two sons were wounded.

The move is a decisive one of Abdel Krim's, and should have the result of consolidating the Jebala in his favour for some time longer. The Spanish cause has lost its most useful and handy tool for splitting the enemy into fractions, but

it is certain that had Raisuli lasted he would again have become quite unmanageable. In the long run his disappearance from the scene will no doubt facilitate the task as General Primo de Rivera sees it, that is, the ultimate division of the abandoned districts into control areas, each under a kaid holding the Makhzen's appointment. It will, however, greatly increase the difficulties of the intervening period of military occupation, consolidation and retention of the Primo line. The success over Raisuli will probably lead to a general effort to damage the line somewhere, especially where it encloses the Tangier zone. Even a partial raising of the blockade, which although not absolute seems to be reasonably effective, would give the rebels an impetus, which they have been lacking for some time.

In this connection it must not be forgotten that the policy of systematically bombing the rebel areas has had a considerable moral effect. Although the Spanish reports of starvation and despair are exaggerated, yet there is the feeling that the game is no longer worth the candle. Rifles are hard to come by, convoys are no longer paraded in country where they are easily attacked and taken. In fact the compensations are few, and the disadvantages, especially that of being bombed any and every day, are great. More victories are essential to Abdel Krim if he is to keep the tribes in hand.

The Marquis de Estella, meanwhile, seems to be taking a suitably long view of the problem. If he remains in power and can devote sufficient of his time to supervising Moroccan affairs personally, there seems no doubt that he will eventually succeed in establishing a kind of stalemate. There is no denying that he has done remarkably well since he really took the problem in hand. In reviewing the situation a few days ago the Delegate-General, at present Acting High Commissioner, confessed to me that last July he considered their evacuation of the zone inevitable. He characterised General Primo's optimism, maintained in the blackest days, as quite unfounded then, although miraculously justified now. The general's success has hitherto been won single-handed, in the face of very general opposition, and in spite of the poor quality of the material to hand. It is now popularly supposed that he will hand over the direct control of the protectorate to a new High Commissioner. When he left here on the 19th for Madrid, however, his intention was to return for some time longer. The names of General Alfau and Arraiz are mentioned as his most likely successors, and I should not be surprised to see Gómez Jordana return as Chief of Staff.

The local situation is reasonably stable. There has been fighting near the town to the north and in the gardens to the south, but not of sufficient importance to indicate any new Jebala movement. The communications with Ceuta have not been attacked for some time; those with Tangier have been once or twice interrupted for a few hours in the neighbourhood of Eel Abbas, between the Fondak and Rgaia. On the Laraiche front an enemy incursion nearly reached Arzila, and the work of establishing the line has been delayed by increased rebel activity and the necessity of relieving two more advanced posts. The line should be nearing completion. The garrisons of the posts throughout the line are now being relieved, and a general repair of the defences and tightening up of the system all round has been ordered in view of the main winter rains which are due.

I have, &c.
C. G. HOPE-GILL.

Enclosure 2 in No. 16.

Memorandum by Mr. Irwin.

THE forces acting under Abdel Krim's orders attacked Tazerut, the head-quarters of Raisuli, on the 26th January.

Severe fighting resulted in the repulse of the main force commanded by Khareirou with heavy losses.

On the following day a renewed attack was made on the position from two sides. Apparently only a feeble defence was set up and the Kasbah was entered during the course of the day. Raisuli and a small number of his kaids and followers who were with him at the time were captured.

Raisuli is being taken to Ajdir, and has already left for that destination under escort.

The defeat of Raisuli is regarded here as a serious addition to Spanish difficulties in their zone. So long as his ascendency continued over the Jibala there

was always the possibility of hostilities breaking out between him and Abdel Krim, which would have been to the advantage of Spain.

It is, however, doubtful whether, if he had repelled this attack and had proceeded, as I am informed was his intention, to undertake further operations in the Riff and among the tribes lying to the west of that district, he would ever have reverted to his former relations with Spain. He had, immediately before his capture, hinted rather broadly to a confidant that, should he succeed in his designs, he intended to set up for "the big thing," *i.e.*, supreme authority throughout the Spanish zone. Up to the last he was confident of his ability to overthrow his enemies, and refused to accept the advice of those who sought to warn him of his danger. As a result of the treasure he had collected and stored at Tazerut will, if discovered, fall into the hands of Abdel Krim. In silver and paper it is estimated that he must have had a least 8 million pesetas. He had also great numbers of rifles, a few guns and much ammunition, besides live-stock and vast quantities of grain stored in underground granaries.

Native opinion is unanimous that the Jibala will all throw in their lot now with Abdel Krim. It is, however, permissible to doubt whether a combination of such dissimilar groups can longer endure. For the present it can be said that with Raisuli safely out of the way, and no other sufficiently influential leader to take his place, Abdel Krim should not experience much difficulty in maintaining his authority.

It is said to be Abdel Krim's intention to despatch contingents of his forces to to the Akba-el-Hamra, on the southern confines of the Tangier zone, and to the district of the Sahel, situated between Arzila and Laraiche. The object of these forces will be to cut the communications between Rgaia and the western sector of the Spanish zone, and to invest and reduce Arzila and Laraiche. Should these enterprises succeed, a situation of considerable gravity would arise as the Sultan could not be expected to regard the occupation by the Riffs of the district between the Tangier and the French zones with indifference. The question of the security of the Tangier–Fez Railway in the Spanish zone would then become an urgent one.

A notable feature of the Riffian successes is the perfect order maintained in the districts they occupy. Thus at Tazerut, after the capture of Raisuli, no attempt was made to loot any of his very considerable property. The same thing occurred in the case of Kaid Zellal of the Beni Mesowar, who fled to the Spanish camp at Regaia for safety when the news reached him that the attack was being prepared on Tazerut.

ALFRED IRWIN.

[W 1088/39/28] No. 17.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received February 10.)

(No. 68.)

Sir, *Madrid, February 6, 1925.*

AFTER the remarks he made to me about the internal situation, as recorded in my immediately preceding despatch, General Primo de Rivera turned to Morocco.

2. I asked his Excellency whether, in his opinion, the capture of Raisuli was likely to complicate matters for the Spanish High Command. He replied in the negative, and said that, even if the Riffians and the Yebala tribe were to attack his new line, they would not be able to make any impression on it. The Spanish authorities in Morocco had for some time past ceased to take Raisuli into account in their calculations regarding the future course of events in Morocco. They were, therefore, not disturbed by his capture.

3. I enquired whether the Riffians had not captured a considerable quantity of arms and much treasure with Raisuli. General Primo de Rivera replied that he thought not, but admitted that there were now 100,000 Moors in the field well armed, some of whom had even got two rifles apiece. He also said that the Riffians were receiving help from the international zone of Tangier and that their supplies of arms were replenished by small boats which evaded the vigilance of the Spanish ships. He did not think that the insurrection of the Anjera tribe was at an end, but he stated that all preparations had been made to retake Alcazar Seguir as soon as the weather off the Moroccan coast had improved.

4. I suggested that, by capturing Raisuli, Abd-el-Krim had increased his own prestige. The general then, somewhat unexpectedly, remarked that he wondered

whether Abd-el-Krim still existed. On my asking what he meant by this, he said that nobody had seen Abd-el-Krim for about two months. The Spaniards knew that he had been seriously ill two months ago and he might have died since.

5. Finally, General Primo de Rivera informed me that he would be leaving for Morocco in about ten days' time. He hoped to return definitely to Madrid at the beginning of April, and he counted on being able to send 30,000 Peninsular troops back to Spain in the course of May or June. At the present moment, he stated, the Spaniards had a total force of 80,000 troops in Morocco, including Peninsular troops, the Foreign Legion and native levies.

I have, &c.
HORACE RUMBOLD.

[W 1735/39/28] No. 18.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received March* 3.)

(No. 94.)
Sir, *Madrid, February* 21, 1925.

I CALLED to-day on General Primo de Rivera in connection with some current business, and after I had fulfilled the object of my visit the general of his own accord spoke to me about Morocco and of his plans in the immediate future.

He said that he proposed to spend the whole of March in Morocco. He informed me that the American Chargé d'Affaires had recently presented the correspondent of the Chicago "Tribune" to him. The latter gentleman had lately arrived from Morocco, where, I understood, he had been at Abdel Krim's headquarters. The correspondent had informed General Primo de Rivera that Abdel Krim had spoken of getting into touch with the general with a view to coming to an arrangement with Spain. The general, on his part, was quite prepared to receive an emissary from Abdel Krim, and thought it likely that there would be a meeting between himself and, perhaps, Abdel Krim's brother at some place within the Spanish lines.

General Primo de Rivera went on to say that his past experience in dealing with Abdel Krim had decided him to await overtures from the latter rather than to send him an emissary. He had sent an officer to Abdel Krim last October to ascertain the possibility of an arrangement. Abdel Krim had on that occasion asked to be supplied with twenty-five guns, four aeroplanes and two submarines as one of the conditions precedent to making an arrangement. General Primo de Rivera had immediately broken off the negotiations. He observed to me, in passing, that it was not usual to arm an enemy whose submission it was sought to secure.

The President of the Directorate said that he felt that it was high time, both for Spain and for Europe, that this Moroccan business was settled. He had, as I knew, always been opposed to Spanish commitments in Morocco, but when he had taken over power he had realised that he could not cut Spanish losses completely. He had therefore decided to draw in his horns. He looked forward to sending some 30,000 men back to the Peninsula at a very early date. Morocco would provide an excellent training ground for a largely reduced force. He was prepared for an expenditure of from 50 million to 100 million pesetas on Morocco, but it was impossible for Spain to afford more than this.

The general then threw out the suggestion that the best way of settling the present Spanish problem in Morocco would be by means of an agreement with England and France, the object of which I gathered would be to cut off Abdel Krim from all supplies by sea or land. The French would prevent anything reaching Abdel Krim from their zone, whilst British ships might help the Spaniards in putting a stop to gun-running. In the early days of Spain's operations in Morocco the arms captured by the Spanish troops were Spanish weapons which the Riffians had taken from the Spanish forces. At the present time the bulk of the arms captured from the Riffians were foreign arms which came from Antwerp, Rotterdam, &c.

As I do not imagine that General Primo de Rivera's suggestion, which he did not press, would commend itself to His Majesty's Government, I merely listened without offering any observations.

I have, &c.
HORACE RUMBOLD.

[W 4473/39/28] No. 19.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received May* 19.)

(No. 227. Confidential.)
Sir, *Madrid, May* 14, 1925.

THE Spanish press has so far devoted very little comment to the French operations in Morocco. This fact is no doubt due to the censorship, for it would seem natural that the advocates of a forward Spanish policy in Morocco—or at least those who are opposed to what may be called the Primo de Rivera policy—should point out the advantages of immediate operations against Abd-el-Krim from the Spanish side in order to get him between two fires. Such discussions would tend to embarrass the Directorate.

For some reason or other it does not suit the Directorate as a whole to embark on any military operation at the present moment. General Primo de Rivera recently told me that he was carefully following the course of the French operations against the Riffians. He did not dismiss the idea that the Spaniards might eventually take advantage of the French operations: Admiral Magaz, on the other hand, was much more categorical, and, at a dinner party at which I met him four days ago, he said emphatically that now was the moment to hit Abd-el-Krim hard and to finish with him once for all. Money spent on an immediate operation against him would prove wise economy in the long run.

Meanwhile, I learn from a very trustworthy informant, who had a conversation on the 8th instant with Señor Echevarrieta—who is conducting negotiations with Abd-el-Krim —that these negotiations are proceeding very slowly and seem likely to last a long time. The impression formed by my informant was that Abd-el-Krim is merely playing with the Spaniards so as to put off the projected operation from Alhucemas, or to secure a bribe. It is clear that an attack on Abd-el-Krim in the near future from Alhucemas Bay would be very awkward for that individual at the present juncture.

I obtained direct confirmation of the intention of the Spaniards to carry out some sort of operation from Alhucemas from a remark dropped by the Queen of Spain, who, with the King, honoured me by dining at this Embassy on the 12th instant. On my asking Her Majesty whether she was going to England in July, the Queen replied that she foresaw that the "Alhucemas expedition would prevent her from going to London this summer." On the same occasion the King informed me that he had reports to the effect that the Moorish tribes would probably take advantage of the French operations against the Riffians to rise behind the French forces in the Fez zone.

I have, &c.
HORACE RUMBOLD.

(d.) Franco-Spanish Co-operation.

[W 4641/186/28] No. 20.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 286.)
Sir, *Foreign Office, May* 21, 1925.

THE Spanish Ambassador paid me a visit this afternoon on his return from Spain.

He spoke almost at once about the French operations against the Riffs not without, as it appeared to me, a certain *Schadenfreude*, but also with some apparent anxiety lest the French troops should cross into the Spanish protectorate. I told him that I had always expressed the hope that troubles which so long as they were confined in the case of Spain to the Spanish protectorate or in the case of France to the French protectorate were of a domestic character, should not be rendered international by any infringement of the frontier, and I believed that this was the firm determination of Marshal Lyautey and the French Government. I could not, however, help observing that the situation was a difficult one when the Riff tribesmen used Spanish territory as the basis of their attack upon French territory. The Ambassador admitted the difficulty, but replied that it was one of which Spain had experienced the disadvantages

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when, at an earlier stage, parties of Moors crossed from the French protectorate to join in the operations in the Spanish zone. As his Excellency continued to dwell upon the subject and to express his hope that the British Government would use its influence to prevent any infringement of the Spanish boundary line, I repeated that I had always expressed this hope, and had been given to understand by the French Government that they had no intention of acting otherwise. I added that it was of course no business of mine, but that I could not help wondering why the French and Spanish Governments who were in that area menaced by the same hostile forces did not make this common danger the ground for a better understanding and a closer union between them. It always seemed to me from what they said that each was afraid of finding an unwilling listener in the other. Each Government expressed the same griefs against, and the same apprehensions of, the other. I should have thought that, if they got together, it could not have failed to be greatly to their advantage. I felt it necessary to say that I hoped he would treat my observations as wholly informal and inspired by nothing but goodwill to both nations and the desire that the two countries, with both of which we had most friendly relations, should themselves be friends. It was only in this spirit and because his observations had naturally suggested this trend of thought to me that I ventured even in so informal a way to mention what was passing through my mind.

I am, &c.

AUSTEN CHAMBERLAIN.

[W 4765/39/28] No. 21.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received May 26.)

(No. 240.)

Madrid, May 22, 1925.

Sir,

IT may be of interest if I recapitulate such information as I have recently been able to obtain with regard to the prospects of Franco-Spanish co-operation against Abd-el-Krim. I have already had occasion to remark that there has been very little newspaper comment on French operations in Morocco, the Spanish press—as a rule—having confined itself to publishing French official communiqués. The explanation, no doubt, lies in the continued existence of the censorship, for it cannot be supposed that the French operations against Abd-el-Krim leave the Spaniards indifferent.

On the 15th instant the French Ambassador expressed to me the conviction that the Riffians were obtaining supplies of arms and ammunition through the Spanish zone, the blockade of the coast of that zone not being sufficiently effective. This confirms the suspicion of the French views on this subject, which Admiral Magaz alluded to in the conversation reported in my telegram No. 35 of the 13th May. Count Peretti de la Rocca further stated that the French authorities in Morocco were determined to deal drastically with Abd-el-Krim, but he said nothing to indicate that the French would, if necessary, pursue the Riffians into the Spanish zone. He added that he understood that the Spanish operation in Alhucemas Bay would not take place until the end of July.

On the following day the President of the Directorate, of his own motion, spoke to me about the French action in Morocco. He wondered why M. Malvy had come to Madrid and whether he had any mission from the French Government. I suggested that M. Malvy might have come in connection with a fresh scheme which the ever-resourceful Señor Pedraza is understood to be engineering. General Primo de Rivera admitted that such might be the case. He then said that the French would undoubtedly get the better of Abd-el-Krim's forces, but he expressed nervousness lest they should pursue the Riffians into the Spanish zone.

I pointed out that, given the present state of the French finances, it was most unlikely that they would embark on a campaign on a large scale. They would certainly do their utmost to crush Abd-el-Krim, but I did not think that they would pursue him into the Spanish zone. General Primo de Rivera—whose French was even more difficult to understand than usual—said that the French had complained of the character of the news concerning their operations which had been published in the Spanish press. He also said that they had repeatedly hinted at common action with Spain against Abd-el-Krim. The conversation ended at that point, but I could see

that a suspicion of French motives still lurked in the mind of the President of the Directorate.

I saw General Primo de Rivera again yesterday, and he informed me that M. Malvy had brought him a letter from M. Painlevé proposing common action in peace and war against Abd-el-Krim. He intended, in reply, to suggest that there should be a meeting at Madrid in the first ten days of June between French and Spanish delegates to draw up terms which might be proposed to Abd-el-Krim as a condition of his submission to the French and Spanish authorities. If Abd-el-Krim refused these terms, the French and Spanish Governments would concert in taking military action against him, and would jointly maintain an effective blockade by sea and land of Abd-el-Krim's territory.

I saw General Primo de Rivera again this morning, when he gave more precision to the statements he had made to me somewhat vaguely yesterday. He admitted that mutual suspicion of one another had hitherto been a bar to united action on the part of France and Spain against the Riffians. United action was, however, necessary. Neither the French nor Spanish authorities in Morocco would have peace until the Moors were disarmed. The attack on the French forces was much more serious than the French had anticipated. The Spaniards would be busy all through June in perfecting their plans for the projected military operations from Alhucemas Bay. They would be ready by the beginning of July, even if concerted action with the French did not prove feasible. He would, himself, be returning to Morocco on the 4th June and would stay there for a month or more. Finally, he promised to let me have, in writing, a copy of the suggestions he had asked M. Malvy to take back to M. Painlevé.

The impression left on my mind by the conversation reported above is that General Primo de Rivera foresees the necessity of military operations in the course of this summer. He has told me quite candidly that a landing in Alhucemas Bay and an attack at some point near the bay would attract a large number of Moors, and thereby relieve the pressure on the French. It can scarcely be believed that Abd-el-Krim would consent to disarm.

On the other hand, it is difficult to see how the French can crush Abd-el-Krim without pursuing his forces into the Spanish zone. The Spaniards would be opposed to any such action, and the knowledge of this fact—combined with the realisation that, in order to finish with Abd-el-Krim, it may be necessary to pursue his forces into the Spanish zone—may have partly inspired the French Government's proposal for co-operation in order to avoid the infringement of that zone.

It must also be borne in mind that the French and Spaniards are in a somewhat dissimilar position *vis-à-vis* Abd-el-Krim, in that for some time past the Spaniards have been carrying on negotiations with the Riffian chief. The Spaniards are quite alive to the parlous state of the French finances, and realise that France cannot afford a campaign on a large scale.

I am forwarding a copy of this despatch to His Majesty's Ambassador at Paris.

I have, &c.

HORACE RUMBOLD.

[W 5121/39/28] No. 22.

Record of Conversation with M. de Fleuriau respecting Morocco.

THE French Ambassador brought me to-day the attached text of a draft agreement for conclusion between the French and Spanish Governments in regard to Morocco, providing for the establishment of a Franco-Spanish Commission to examine terms of peace with Abdel Krim, or, failing that, the methods for pursuing the war in common. The draft also provides for the search for contraband, arms and undesirables.

M. de Fleuriau said that M. Briand would be grateful for any observations that Mr. Chamberlain might have to offer, particularly in regard to the provision respecting contraband. He also observed that it was not to be excluded that Abdel Krim would eventually attack Tangier. Accordingly we could not disclaim direct interest.

I told him that I would of course submit the French proposal, but that, while His Majesty's Government were anxious to see the French and Spaniards consolidate their authority in Morocco, their policy was not to be drawn in any way. I informed him, however, that we had already told the Spaniards that we should have no objection to their establishing a blockade jointly with the French.

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M. de Fleuriau said that an initial difficulty with the Spaniards had arisen as regards the place of meeting of the commission. The French Government insisted on its meeting in Paris, though they were willing that the agreement should be signed in Madrid. The Spaniards were holding out for Madrid for the meeting as well.

(Initialled) J. D. G.

Foreign Office, June 2, 1925.

Annex.

Projet d'Accord franco-espagnol concernant le Maroc.

I. Une commission de deux représentants de chaque pays, assistés d'experts militaires et navals, se réunira dans le plus bref délai pour définir les conditions dans lesquelles pourrait être conclu un arrangement sauvegardant la souveraineté nominale du Sultan, accordant la paix aux tribus riffaines.

II. Un accord concernant la surveillance de la contrebande par terre et par mer sera également conclu entre l'Espagne et la République française. L'accord s'étendrait également à la surveillance respective des étrangers suspects ou indésirables pour ce qui concerne les deux zones et à leur expulsion.

III. Dans le cas où les tractations avec les Riffains ne pourraient aboutir et où il y aurait lieu de combiner une action franco-espagnole, les conditions en pourraient être rapidement arrêtées en commun par des délégués techniques des deux pays.

IV. Réunion à Paris au commencement de juin de la commission franco-espagnole prévue ci-dessus.

V. Mise en vigueur des accords prévus sous les Nos. I, II et III.

[W 5121/39/28] No. 23.

Mr. Austen Chamberlain to M. de Fleuriau.

Foreign Office, June 13, 1925.

Your Excellency,

I HAVE given careful consideration to the draft communicated by you on the 2nd instant of an agreement between the French and Spanish Governments providing for the establishment of a Franco-Spanish commission to examine the terms of peace with Abdel Krim or, failing that, the methods for pursuing the war in common. In communicating the draft, your Excellency said that M. Briand would be grateful for any observations that I might have to offer, particularly in regard to the provision respecting contraband.

2. I request that you will be so good as to express my thanks to M. Briand for his courteous message and to inform him that His Majesty's Government are gratified to learn that the French and Spanish Governments propose to co-operate to secure the early termination of hostilities.

3. As regards the provisions of article 2 of the draft, I have the honour to transmit herewith, for your information, a copy of a note from His Majesty's Ambassador at Paris to the French Government stating that His Majesty's Government have no objection to the proposal that the surveillance of contraband at sea should be exercised by joint French and Spanish naval forces.

I have, &c.

AUSTEN CHAMBERLAIN.

[W 5765/39/28] No. 24.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received June 17.)

(No. 63.)
(Telegraphic.) R. *Madrid, June* 17, 1925.

MY telegram No. 54.

Spanish Government have communicated to me privately the following summary of so-called preliminary Franco-Spanish agreement of 4th June:—

1. Commission composed of two Spanish and two French representatives, assisted by military and naval experts, shall meet as soon as possible to

draw up conditions on which convention may be concluded which, while respecting nominal sovereignty of the Sultan and taking into consideration delegation of his powers to Caliphate of Spanish zone, shall settle the conditions of peace to be granted to Riffs.

2. Convention with regard to control of contraband by land and sea shall be drawn up by Spain and France, and shall extend to reciprocal surveillance of suspect and undesirable foreigners in both zones as well as to their expulsion.

3. In the event of negotiations with Riffs being unsuccessful, and of it being necessary to take combined Franco-Spanish action, conditions of latter could be rapidly decided by expert delegates of two countries.

4. Spanish-French Commission shall meet in Madrid in first ten days of June.

5. After lapse of time necessary for elaboration of above agreements, as well as for application of such measures as two parties consider it expedient to adopt with regard to various problems under review, two Governments shall fix right moment for putting into force arrangements resulting from discussion of clauses 1, 2 and 3.

[W 5800/39/28] No. 25.

Consul-General Clive to Mr. Austen Chamberlain.—(Received June 18.)

(No. 68.)
(Telegraphic.) *Tangier, June* 17, 1925.

I ASKED General Primo de Rivera about prospects of Franco-Spanish co-operation and the possibility of peace.

Regarding (1), he said co-operation for suppression of contraband would be very useful. Beyond that, he hardly appeared to take co-operation very seriously.

Regarding peace, I asked whether he thought an independent Riff State, owing nominal allegiance to Sultan and with [? group omitted] extending north of Werga, was a practical proposition.

Without expressing definite opinion, he said that there would always remain the difficulty of money, by which I presume he meant a regular subsidy to Abd-el-Krim.

He said Spanish peace negotiations were shortly starting again, but that proposed landing at Alhucemas had by no means been abandoned.

In fact, he was hopeful of success if attempt was made, as he believed many Riffs, who were tired of war, would welcome them.

(Repeated to Madrid.)

[W 5846/39/28] No. 26.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received June 20.)

(No. 65.)
(Telegraphic.) R. *Madrid, June* 19, 1925.

MY telegram No. 63.

French Ambassador has communicated to me the following agreement in regard to policing of Moroccan waters arrived at at outset of conference:—

"Off the coast of Spanish and French territories, besides dominions or protectorates situated in North and West Africa between 2nd degree longitude west of Greenwich and 27 degrees latitude north, two high contracting parties mutually agree that their respective ships of war shall together ensure strict observance of international arrangements and regulations preventing, on the one hand, approach of any vessels to coast of Morocco, except to open harbours, and, on the other hand, importation of arms and ammunition into Morocco. With this end in view, said ships will watch, and, if necessary, visit, in accordance with international usage in such cases, any vessels which may be suspected on reasonable grounds of acting contrary to regulations in question.

"This surveillance will be exercised over arms and ammunition and war material as well as over goods suspected of being despatched to harbours or natural anchorages not open to trade.

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"It is understood that this agreement, which is caused by present events, has for that reason only provisional character, and can be denounced either by common agreement or at suggestion of one of the two parties by giving fifteen days' notice.

"This agreement shall be communicated jointly by the two contracting parties to other Powers."

[W 6086/39/28] No. 27.

Accord entre la France et l'Espagne pour la Surveillance maritime des Côtes du Maroc. —*(Communicated by Sir H. Rumbold, Madrid, in despatch No. 300 of June 23.)*

LES représentants de la France et de l'Espagne à la commission réunie à Madrid en vertu de l'accord franco-espagnol du 4 juin 1925, dûment autorisés par leurs Gouvernements respectifs, ont conclu la convention suivante, qui a reçu l'approbation du Gouvernement de la République française et du Gouvernement de Sa Majesté catholique et qui entrera en vigueur immédiatement :

ARTICLE 1er.

Les deux hautes parties contractantes consentent mutuellement à ce que, au large du littoral des territoires espagnols et français, tant de souveraineté que de protectorat, situés au nord et à l'ouest de l'Afrique et compris entre le 2° ouest Greenwich et le 27° de latitude nord, leurs bâtiments de guerre respectifs assurent conjointement la stricte observation des dispositions internationales et règlements interdisant, d'une part, tout accès des côtes marocaines en dehors des ports ouverts et, d'autre part, toutes importations d'armes et de matériel de guerre au Maroc.

ARTICLE 2.

A cet effet, lesdits bâtiments surveilleront et visiteront, s'il y a lieu, conformément aux usages internationaux en pareille matière, tous les navires qui seraient soupçonnés, pour des motifs raisonnables, de contrevenir aux prescriptions visées.

Cette surveillance portera bien sur les armes, les munitions et le matériel de guerre que sur les marchandises suspectes d'être dirigées sur des ports ou des mouillages naturels non ouverts au commerce.

ARTICLE 3.

Les bâtiments et embarcations qui seront reconnus par les navires de surveillance comme se livrant aux opérations illicites visées aux articles ci-dessus seront déférés à la juridiction locale compétente.

ARTICLE 4.

Dans toute l'étendue de la zone de surveillance définie à l'article 1er, les bâtiments de guerre des deux nations auront les mêmes droits et les mêmes pouvoirs. Les commandements des forces navales resteront nettement distincts, ils régleront en toute indépendance l'emploi et la répartition de leurs unités respectives tout en maintenant entre eux une liaison étroite par la communication et réciproque de tous les renseignements utiles à l'accomplissement de leur mission.

ARTICLE 5.

Les forces navales affectées à la surveillance pourront utiliser normalement pour les besoins de leur croisière tous les ports de la côte marocaine ouverts au commerce. En outre, les bâtiments espagnols pourront relâcher à Oran et Nemours, de même que les bâtiments français à Algésiras, Malaga et Almeria.

ARTICLE 6.

Les bâtiments de guerre de l'une des nations ne pourront débarquer aucune force armée sur un territoire placé sous la souveraineté ou dans la zone d'influence de l'autre nation.

Dans le cas où une action militaire serait entreprise par l'une des Puissances dans un secteur ou sur un point du littoral placé dans sa zone d'influence, le chef de la force navale de l'autre Puissance s'abstiendrait pendant la durée de l'opération de faire participer ses bâtiments à la surveillance de ce secteur ou de ce point.

Par application de ce principe, les bâtiments de guerre français s'abstiendront dès maintenant de pénétrer dans l'intérieur de la baie d'Alhucemas.

ARTICLE 7.

Les modalités d'exécution et les dispositions techniques de détail que nécessitera la mise en application de la présente convention feront l'objet d'instructions concertées entre les autorités navales espagnoles et françaises et qui seront soumises à l'approbation de la commission.

ARTICLE 8.

Les dispositions de la présente convention ne s'appliquent pas à la partie du littoral qui a déjà fait l'objet des stipulations de l'article 4 de la convention du 18 décembre 1923 relatives à la surveillance maritime dans les eaux territoriales de la zone de Tanger.

ARTICLE 9.

Les dispositions qui précèdent, étant motivées par les événements actuels n'ont, de ce fait, qu'un caractère provisoire et les hautes parties contractantes se réservent le droit de les modifier après entente préalable, ou de dénoncer le présent engagement soit d'un commun accord, soit à la diligence de l'une des deux parties moyennant un préavis de quinze jours.

Madrid, le juin 1925.

[W 6136/39/28] No. 28.

Mr. Gurney to Mr. Austen Chamberlain.—*(Received June 28.)*

(No. 68.)
(Telegraphic.) R. *Madrid, June 27, 1925.*

I HAVE received to-day from Spanish Government communication containing substance of Franco-Spanish Agreement enclosed in Sir H. Rumbold's despatch No. 300 in regard to policing of Morocco coast. Communications have been addressed to other missions here and in Paris, and Spanish Ambassador has been instructed to speak to you on the subject.

Head of Morocco Section informed me yesterday, on my enquiring how control was to be exercised, that it was proposed to confine operations in the 3-mile limit of territorial waters, except on coast within an area bounded by line drawn from Cape Negro to Cape Tres Forcas, and on west coast within a similar restricted area south of Agadir. Suspicious vessels found within these areas would be searched. As trade routes do not pass through them, ordinary traffic would not be molested.

French Ambassador has to-day confirmed accuracy of above, except that he spoke of 6-mile limit of territorial waters on coast of French Morocco, and he tells me that commission discussed this morning further communication to Powers explaining the exact nature of action proposed.

(Sent to Tangier.)

[W 6176/39/28] No. 29.

Mr. Austen Chamberlain to Mr. Gurney (Madrid).

(No. 346.)
Sir, *Foreign Office, June 29, 1925.*

I RECEIVED the Spanish Ambassador this morning in answer to a request from him for an early interview in consequence of important instructions which he had received from Madrid.

His Excellency handed me a note of which I attach a translation. In this note the Spanish Government invites British naval participation in the surveillance of

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the contraband traffic in arms in the waters of the Tangier zone, and, in agreement with the French Government, further expresses the hope that this surveillance may be extended to the waters of the French and Spanish zones.

His Excellency said that he had received further instructions to inform me of the results of the conference which had been held in Madrid between representatives of the French and Spanish Governments. The agreement arrived at between their representatives had been approved by the Spanish Government, but the Ambassador was not yet aware whether it had received in all particulars the assent of the French Government. He summarised this agreement under six heads.

In the first place, the Mendoub was instructed by the Sultan to deliver to the Spanish authorities in the Spanish zone inhabitants of that zone escaping into Tangier territory.

Secondly, the two Governments were to invite the authorities of the Tangier zone to take into consideration the advisability of disarming the inhabitants of the Fahs Province.

Thirdly, the French Government agreed to support these proposals.

Fourthly, it was proposed to organise a small Franco-Spanish-British contingent of about 1,500 men to protect the outer boundaries of the Tangier zone.

Fifthly, the French Government agreed, as far as they were concerned, to entrust the command of this international force to the officer commanding the Spanish contingent.

Sixthly, if Great Britain should prefer not to take part in this action, France and Spain would together provide for the contingency.

The Ambassador further said that my confidential letter of the 26th June to him, the substance of which he had transmitted to his Government, had been received by them with mixed feelings. They had been gratified by its friendly language and by the fact that, though I did not approve the proposal made by the Spanish Government, my reasons for dissenting had been rather of a practical than a legal character. In fact, the whole object of their proposal was to secure the efficient execution of the provisions for the neutrality of the zone as established in article 4 of the Tangier Statute. On the other hand, they had been disappointed to find in my language a tendency to ignore the international position of Tangier and the international interest in it, and to treat the matter as one which concerned Spain alone. His Excellency was further instructed to press upon my attention that the agreement come to between the French and Spanish representatives was, in the opinion of the Directory, the minimum necessary to prevent Tangier being made the centre of support and encouragement to the rebels. Secondly, he was to insist again on the fact that the only object of the Spanish authorities was to protect the neutrality of that zone, and, lastly, he was to observe that if the danger of an attack on the zone as foreseen by the Spanish High Commissioner had not yet become imminent, that was only because of the costly efforts made by Spain to protect its borders. The situation was becoming more and more critical owing to the increased pressure of the rebels and to the fact that Spain could not indefinitely continue so large an expenditure. The inner line which it was suggested that the international force might guard was shorter and the protection would therefore be more efficient. The proposal was not contrary to the Tangier Statute, but in strict harmony with it, and since the occupation was intended to be purely transitory, there could be no excuse for suggesting that Spain had any ulterior motives.

I told his Excellency that I would at once take into consideration the very important communication which he had made to me. For the moment I only desired to make one observation upon his communication. It was a complete misconception of my language to suppose that I disinterested myself in the international character of the Tangier zone or the international obligations which attached to it. In urging that the troubles in Spanish Morocco were the domestic concern of Spain, just as the troubles in French Morocco were the domestic concern of France, and that neither Power should allow them to become an international incident, I had been moved only by sympathy for both countries in the difficulties with which they were confronted and by the desire that those difficulties should not be increased by international complications. But the Tangier zone stood on a different footing and I had never dissociated this country from interest in its fate. If I had taken objection to the Spanish proposals, it was not because I was not in sympathy with the purpose which, as he explained, was the maintenance of the neutrality of Tangier, but because I thought the proposals themselves not well calculated to attain

this object. Anything which could be construed by Abdel Krim as a military measure taken against him within the Tangier zone might provoke the very contingency of attack which we were all anxious to avoid, and there were, of course, other nations who claimed an interest in the zone and who might seize the opportunity to assert a right of interference. If, however, the French and Spanish Governments were now, in fact, agreed upon certain measures, this might in some degree create a new situation, and I repeated that I would at once carefully examine the proposals which he had made to me.

I am, &c.
AUSTEN CHAMBERLAIN.

Enclosure 1 in No. 29.

M. Merry de Val to Mr. Austen Chamberlain.

(Translation.)

Spanish Embassy, London, June 27, 1925.

Your Excellency,

THE convention signed in Paris on the 18th December, 1923, by the delegates of Great Britain, France and Spain regarding the organisation of the Statute of the international Tangier zone comprises among its stipulations article 4, of which the English text is the following:—

"The surveillance of contraband traffic in arms and munitions of war in the territorial waters of the Tangier zone shall be exercised jointly by British, Spanish and French naval forces.

"Offenders shall be brought before the Mixed Court of Tangier."

In view of this clause of the convention His Majesty's Government has sent me instructions to convey to your Excellency their particular interest in the prompt observance by Great Britain of this engagement which represents a form of friendly collaboration with France and Spain to which the Military Directory attribute an especial value and importance, by despatching a certain number of naval units in the measure which may be judged sufficient and adequate for the purpose.

2. Moreover, the Government of His Majesty the King of Spain, having concluded with the Government of the French Republic a friendly arrangement implying the surveillance by ships of war of both nations of the coasts of one and the other zone of the protectorate of Morocco, would feel highly gratified if the naval units despatched by the British Government to the territorial waters of Tangier should extend their cruises to the coasts of the Spanish and French zones, thus taking part in the work of surveillance assumed by the other two Powers.

3. While thus giving prominence to the importance attributed to this question by His Majesty's Government, I beg leave to express the hope that His Britannic Majesty's Government will find no difficulty in accepting their proposal.

I avail, &c.,
MERRY DE VAL.

[C 8766/4/62] No. 30.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 2225.)

Foreign Office, June 29, 1925.

My Lord,

THE French Ambassador called this afternoon in reference to his note of the 28th June on the subject of inter-Allied debts.

His Excellency explained at some length the domestic situation in France which had prevented further progress being made up to date, but he said that the object of his visit had been to place on record the fact that the letter of the Chancellor of the Exchequer had not been without response. We had a little conversation on the subject, but the point appeared to me to be rather academic.

I told him that I thought it was of consequence that early steps should be taken both in Washington and London to show that France meant business in regard to an arrangement about her debts.

The Ambassador asked me why this particular moment had been chosen for the communication, to which I replied that, though I did not know what form American

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representations to the French Government had taken, it appeared that an intimation of the desire of the American Government to receive proposals for the funding of the debts had been made to the other debtor Powers, and that His Majesty's Government had thought it well to remind the debtor countries that we also had claims which must be considered, and that we were equally interested in a settlement.

The Ambassador then turned to Morocco. He said that he was aware that the Spanish Ambassador had been to see me this morning, and in broad outlines was informed of the communication which he had made. M. de Fleuriau had not received his instructions, but he could tell me that they would certainly be to associate himself with the request which M. Merry del Val had made for the co-operation of England in policing the territorial waters of Morocco. He believed that he would also be instructed to support the proposal for a joint force representing the three Powers to act in the Tangier zone, but, as this was opposed to the attitude which our two Governments had previously adopted, he could not speak with confidence until his instructions had reached him.

I am, &c.
AUSTEN CHAMBERLAIN.

CHAPTER II.—TANGIER ZONE.

(a.) Steps preparatory to Entry into Force of Tangier Convention.

[W 1803/18/28] No. 31.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 123.) *Foreign Office, March 3, 1925.*

Sir,

THE Spanish Ambassador called upon me yesterday afternoon to acquaint me briefly with the subject matter of the memorandum which, I understand, has been handed to you in Madrid as expressing the views of the Spanish Government on the Tangier Statute.

The Ambassador said that his Government desired to bring the statute into force as soon as possible, and did not think that it was necessary to wait for agreement upon the four disputed articles; but they sought my support in respect of the points which they had put forward for revision.

I replied briefly that we also desired the statute to come into force at the earliest possible moment, but that I had understood that this could not be done until all the articles were approved. I regretted the very long time which it had taken the Spanish Government to formulate its observations (excused by the Ambassador on the ground that it had been necessary to translate the document into Spanish), and as, I believed, we had already signified our consent to the articles as they stood, it might be impossible for me to adopt any other attitude. I was not, however, familiar with the details and would await the memorandum which, as I understood, you were to forward to me.

The Ambassador then referred again to the desire of Spain to have a permanent seat on the Council of the League. I remarked that this was a wish which, as my short experience had shown me, appeared to be shared by every Power now occupying a temporary seat. Needless to say, all could not be satisfied, but as far as I knew there was no intention to raise the matter at the forthcoming meeting of the council.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 1833/18/28] No. 32.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received March 5.)

(No. 107.) *Madrid, February 28, 1925.*

Sir,

WITH reference to your telegram No. 19 of the 25th instant, I have the honour to transmit herewith translation of a note which I have just received from the President of the Directorate containing an expression of the view of the Spanish Government in regard to the drafts prepared at Rabat for the regulations and fiscal enactments specified in article 33 of the Tangier Convention.

2. It will be seen that, whilst they accept thirteen of these drafts, they raise certain objections to the remaining four. They suggest, however, that this fact need not delay the coming into force of the Tangier Statute.

3. I am forwarding a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
(For the Ambassador),
HUGH GURNEY.

P.S.—I learn from the French Embassy that they have received a similar note from the President of the Directorate.

H. G.

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Enclosure in No. 32.

President of the Directorate to Sir H. Rumbold.

(Translation.) *Ministry of State, Madrid, February 27, 1925.*

Your Excellency,

I HAVE had the honour to receive your Excellency's note of the 30th December last, in which your Excellency refers to the fiscal and other regulations, the promulgation of which for the zone of Tangier was provided for by article 33 of the Anglo-Franco-Spanish Convention of December 1923.

His Majesty's Government, after having taken the necessary steps for the drawing up of the Spanish text of the regulations in question, which the Rabat Commission had to draw up in French only, for reasons unknown to this Presidency, proceeded to a detailed examination of the legislative drafts in question, and I have the satisfaction of informing you that I have no objection to make with regard to the following :—

1. Dahir regulating the opening and running of liquor shops.
2. Dahir regulating the practice of the professions of doctor, chemist, dentist, &c.
3. Dahir regulating the opening and working of unhygienic, obnoxious or dangerous establishments
4. Dahir relative to the protection of historical monuments and sites.
5. Dahir relative to street alignment, house planning and servitudes, &c.
6. Dahir laying down rules for expropriation and temporary occupation for purposes of public utility.
7. Statement of the general conditions to be imposed upon contractors for public works.
8. Dahir laying down conditions for the temporary occupation of portions of State property.
9. Dahir laying down the procedure for the delimitation of private State property.
10. Dahir relating to the working of quarries.
11. Regulations relating to public accountancy.
12. Dahir regulating consumption duties on sugar, colonial products, &c.
13. Dahir relative to registration and stamp.

In so far as concerns the thirteen regulations to which I have just referred, His Majesty's Government have the honour forthwith to express their agreement with the texts drawn up by the Rabat Commission, with only two reservations of a general character which in no way affect their contents :—

(*a.*) It must be understood that the sums which appear in several of the dahirs in question for different points, and which are reckoned in *francs*, should be calculated and set out in *Moroccan francs*, and that the necessary corrections must be made in the final edition of the regulations in question or in the copies which are to have force for the moment ; and

(*b.*) As the Spanish language is considered an official language in the Tangier zone, both the French text, drawn up originally by the negotiators at Rabat, and the Spanish text, strictly adjusted to the former and prepared by the competent Department of the Directorate, shall be valid at all times in so far as concerns their legal application. With this end in view the Spanish texts will be sent at once to Tangier, in order that, by agreement between the three consuls-general of the Powers signatory of the Paris Convention, such comparisons, verifications and certificates of conformity with the French text as the said local authorities may consider indispensable may be drawn up.

Having expressed officially the agreement of His Majesty's Government with the thirteen drafts drawn up by the Mixed Commission of Rabat, and with which they are quite satisfied, I have the honour to express to your Excellency in continuance certain observations which have been suggested to this Presidency as a result of the study of the four remaining drafts, to wit : the mining regulation, the dahir governing the sale of alcohol and those concerning the regulations for immovable property and the associations. I will refer separately to each of them.

Mining Regulation.

His Majesty's Government have no objection to make to the bulk of the regulation in question, with which they are in general agreement, the only reservation which

they have to make being that referring to the transitional provisions (article 47) in which it is proposed that a commission composed of a British magistrate of the Mixed Commission, of the State engineer of public works and of the engineer of municipal works may decide, without appeal, as to the rights and titles which may be claimed anterior to the promulgation of the Statute of Tangier. His Majesty's Government doubt whether such a regulation would be respected by all the Governments who take an interest in the matter, even if only as a matter of principle. In the first place, the constitution of a committee of lawyers and not of experts would seem more suitable for deciding cases of such a nature. The experts would only lend their aid to such a committee in their capacity of connoisseurs, it being clear that in mining matters they must have experience which it is not logical to suppose would be possessed by engineers of roads, canals and harbours, whose intervention in this matter the members of the Mixed Commission of Rabat have been pleased to suggest, and whose work as a whole, I may add, is worthy of approval and praise.

His Majesty's Government further are of the definite opinion, in so far as this concrete point is concerned, that article 47 of the draft mining regulation relative to the Tangier zone should be modified by the establishment of a genuine committee of arbitration composed in the same way as that which in Paris had to judge mining cases previous to the 20th January, 1914, and before which subjects of third Powers who might eventually be interested in the matter would consequently be able to count on the necessary representation and defence.

His Majesty's Government would therefore give their immediate approval to the draft mining regulation if article 47 were modified in the following form :—

"Clause 7.—*Transitional Provision.*

"ARTICLE 47.

"In spite of the dispositions of article 40, mining rights and titles acquired in the Tangier zone prior to the promulgation of the statute shall be judged and settled, without appeal, by a committee of arbitration composed in the following manner: Of a head arbitrator, whom His Majesty the King of Norway shall be invited to appoint from among Norwegian magistrates or ex-magistrates; of one person appointed by his Excellency the Mendoub ; and of another appointed by each of the nations of which the eventual appellants may be subjects. The regulations under which the Committee of Arbitration in question shall function shall be drawn up in due course."

I need not tell your Excellency that His Majesty's Government would be ready to accept the appointment of the head arbitrator in question by the Sovereign or the head of the State of any other Power.

Dahir relative to the Sale of Alcohol.

With regard to the text proposed on this point by the Rabat Mixed Commission, His Majesty's Government are obliged to formulate two objections : one referring to its form, and the other referring to its contents. That which refers to its form is easy to explain.

Doubtless by a material error, the editors have given to this regulation the form of a vizierial decree, that is to say, of an order emanating from a Minister of His Imperial Highness the Sultan, whose powers in matters of legislation and government can in no way be extended to the territory of Tangier.

In so far as its contents are concerned, His Majesty's Government much regret that they cannot give their approval to the draft.

In article 1 of the text in question it is laid down that a duty of 500 fr. per hectolitre of pure alcohol shall be paid on the consumption of alcohol. In article 2 of the same order it is laid down that the said duty shall be levied on pure alcohol in excess of 12 degrees contained in wines, beverages, vermouths, liqueur wines or their imitations, and on the whole of the alcohol contained in brandies, spirits, liqueurs, brandy fruits, medicines, perfumes, &c.

I need not enlarge to your Excellency on the serious prejudice which would be caused to Spanish interests in the event of the issue of an order which would in fact amount to the almost complete exclusion of Spanish wines, the importation of which into the Tangier zone, as your Excellency is doubtless aware, reaches considerable figures.

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His Majesty's Government, having had the honour to explain to your Excellency with a request that you will be good enough to bring it to the notice of His Britannic Majesty's Government, this difficulty of principle, propose to complete within a short time after consultation with the technical experts competent to give advice in this matter the alterations which might serve as a basis for their definite adhesion to the regulation regarding the matter in question.

Regulations relative to Associations.

His Majesty's Government would give their adhesion to the draft in question without further modification than the suppression of the last paragraph of article 4 in virtue of which the Mendoub will have the power to prohibit individually any Moroccan subject from affiliating himself to a mixed association.

The Military Directorate are confident that His Majesty's Government will share the apprehension which inclines this Presidency to propose the suppression of the paragraph in question. The attributions of the Mendoub would not thereby suffer any essential diminution, seeing that the powers with which he has been invested with a view to the repression of any attempt or proceeding subversive of order on the part of natives—for example, the right of expulsion—would exist in their entirety.

Dahir relative to Real Property.

His Majesty's Government likewise accepts in its entirety the text relative to this subject drafted by the members of the Rabat Mixed Commission, with the sole exception of that portion dealing with the right of appeal.

Article 38 of the draft lays down that appeals against judgments given in regard to real property by the Cadi of Tangier shall be judged and decided by the Court of Appeal of the Xraa of Rabat.

This Presidency is not aware of the reasons for which the authors of the draft have departed in such an important particular from the opinion which served as the basis of the Franco-Spanish Treaty of 1912. In the said convention (article 24, paragraph 3) it was laid down that "the power which belongs to the Minister for Foreign Affairs of His Shereefian Majesty to hear appeals on questions of real property belonging to foreigners, so far as the Spanish zone is concerned, shall form part of the powers delegated to the Jalifa."

A similar rule ought to govern, in the opinion of the Military Directorate, the provisions on a subject of such essential importance contained in the legislation of Tangier. The power of hearing appeals on questions of real property—on those at least which affect foreigners—should form part of the attributions which, in virtue of article 1 of the Paris Convention, are delegated by the Sultan to the authorites and organisers of the Tangier zone.

However great a respect His Majesty's Government may and do have for the high competency and indisputable impartiality of the Supreme Court of Rabat, they regard it as perfectly legitimate that the interests of foreigners at Tangier—especially in a matter of so great importance—should be settled and defined in the last resort by a judicial organisation which is autonomous and constituted exclusively for the purpose.

A tribunal or commission of ulamas which might be formed by an "aalem," or expert in judicial matters of each of the three zones (Spanish, French and Tangier) would afford, in the opinion of His Majesty's Government, sufficient guarantees, and would constitute a solution which would certainly be viewed with satisfaction by the Governments of third Powers not signatory of the Paris Convention.

The idea of granting a limited power of intervention on certain questions of essential importance to authorities, so to speak specialists on technical matters, of each of the three zones has already inspired, with the assent of the three Governments signatory of the Paris Convention, the solution of certain questions, as, for example, the revision of customs valuations and the appeal against sentences of the Rabbinical Court of Tangier.

Its application therefore to the present case, far from representing any innovation, affords, in the opinion of this Presidency, the most just and natural solution of a question, the singular importance of which it ventures especially to recommend to the careful and friendly examination of His Majesty's Government.

The fact that His Majesty's Government find themselves obliged to formulate some observations on four of the seventeen drafts drawn up by the Rabat Commission need not, in the opinion of this Presidency, be a reason for a new postponement of the introduction of the Statute of Tangier.

The assembly having been constituted with the immense majority of the members of which it is composed, the Committee of Control having also met, the codes having been approved, the magistrates of the Supreme Court and the high functionaries of the international administration having been appointed, and the three Governments having agreed on thirteen of the seventeen laws mentioned in article 33 of the convention, the fact that there exist some differences of opinion in regard to a small minority of the texts in question does not seem to constitute a sufficient reason for a new postponement of the establishment of the Tangier régime.

If the differences above mentioned are examined by the Government of Great Britain and France in the benevolent spirit which this Presidency expects from them, they can, furthermore, be settled in the course of a few days.

Thanking your Excellency in anticipation for the friendly spirit which I have no doubt that you will bring into the examination of these observations which, through your Excellency's intermediary, I have the honour to submit for the consideration of His Britannic Majesty's Government,

I avail, &c.
EL MARQUÉS DE ESTELLA.

[W 2061/18/28] No. 33.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 901.)

My Lord, *Foreign Office, March* 13, 1925.

WITH reference to my despatch No. 834 of the 10th instant, I transmit herewith for communication to the French Government a copy of a memorandum on the subject of the dahirs which are to be applied to the Tangier zone under articles 32 and 33 of the Tangier Convention.

2. A copy of a telegram to His Majesty's Ambassador at Madrid is also enclosed herewith,* instructing him to approach the Spanish Government in concert with his French colleague as soon as the latter has received his instructions.

I am, &c.
AUSTEN CHAMBERLAIN.

Enclosure in No. 34.

Memorandum.

HIS Majesty's Government have had under consideration a note from the Spanish Government, dated the 27th ultimo, on the subject of the dahirs which are to be applied to the Tangier zone under articles 32 and 33 of the Tangier Convention. They understand that a similar note has been addressed to the French Government.

2. The Spanish Government state that with the exception of the four dahirs specified below they approve the texts of all the dahirs drafted by the International Commission at Rabat, on the understanding that wherever "francs" are mentioned the dahirs shall be amended so as to read "Moroccan francs," and that the Spanish text of the dahirs, no less than the French text, shall be accepted as valid. His Majesty's Government are ready, so far as they are concerned, to give the Spanish Government the required assurances on these two points.

3. The four dahirs to which the Spanish Government desire to make substantial amendments are those relating to associations, mining regulations, the sale of alcohol and the transfer of landed property. It will be convenient to consider separately the several points raised in the Spanish Government's note:—

Dahir relating to Associations.

4. The Spanish Government desire to delete the last paragraph of article 4, under which the Mendoub has the power to prohibit individually any Moroccan subject from affiliating himself to a mixed association. The objection is a further instance of the reluctance of the Spanish Government to put into practical effect the principle which they have conceded in theory, namely, that the Sultan shall exercise full authority

* Not printed.

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over the native population through the Mendoub. It might be possible to meet the objections of the Spanish Government by inserting the words "after previously notifying the Assembly" after the word "Mendoub," and His Majesty's Government would be ready to agree to this suggestion.

Dahir enforcing the Mining Regulations of 1914.

5. The Spanish Government object to the composition of the commission set up under article 47 to deal with claims to mining rights acquired before the entry into force of the Tangier Statute. They propose that the commission should be composed of an arbitrator appointed by the King of Norway, one person appointed by the Mendoub and of persons appointed by each of the nations of which the claimants may be subjects. His Majesty's Government consider that the proposal is unnecessarily complicated and will entail undue expense. Moreover, the provision to which the Spanish Government object is based on an arrangement accepted by all the delegates at the Tangier Conference (see *procès-verbal* of the twenty-ninth meeting). In the circumstances His Majesty's Government consider that these considerations should be put before the Spanish Government, and that they should be urged to withdraw their objection.

Dahir relating to the Sale of Alcohol.

6 The Spanish Government raise two objections: First, that this regulation has the form of a vizierial decree, and, secondly, that the scale of duties imposed under article 1 of the dahir is prejudicial to the Spanish wine trade.

As regards the question of form, His Majesty's Government understand that it is owing to the reluctance of His Majesty the Sultan to sign a dahir relating to the sale of alcohol that the International Commission at Rabat agreed that the regulation in question should take the form of a vizierial decree. His Majesty's Government will be glad to learn whether the French Government consider that it would be possible to induce the Sultan to depart from his usual practice in the present somewhat exceptional case, or, alternatively, whether they can suggest any means of meeting the Spanish Government's objection.

As regards the second point, His Majesty's Government understand that, whereas French wines imported into Tangier rarely exceed 12 degrees, Spanish wines vary between 11 and 14 degrees. They propose accordingly that the Spanish objection be met by offering to raise the limit from 12 to 14 degrees. They trust that this concession, which will cost Tangier about 50,000 fr. annually, will induce the Spanish Government to accept the provisions of the decree without further question.

Dahir relating to the Transfer of Landed Property.

7. The Spanish Government propose that article 38 should be amended so as to provide for an appeal court composed of ulamas from each of the three zones of Morocco. His Majesty's Government consider that there is some force in the Spanish Government's contention, and they propose, by way of compromise, that the appeal court should consist of the Mendoub as president and of two ulamas from Tangier.

8. The Spanish Government's note concludes by remarking that the fact that amendments have been proposed to four of the seventeen dahirs need not be a reason for a further postponement of the introduction of the Tangier Statute. His Majesty's Government feel that, whilst the three signatory Governments could, doubtless, bring the statute into force pending the revision of the four dahirs under discussion, yet it would be preferable not to do so if it can possibly be avoided. In the first place, the Tangier Administration would suffer a loss estimated at 460,000 fr. per annum if the new régime were initiated without a tax on alcohol; secondly, His Majesty's Government are not confident that once the statute were in effective operation it would be possible to obtain the assent of the Spanish Government to the outstanding dahirs within reasonable time.

9. His Majesty's Government trust that the French Government will see their way to instruct the French Ambassador at Madrid to concert with his British colleague in proposing the concessions outlined above and in urging the Spanish Government to accept the seventeen dahirs in their entirety so as to enable the statute to be brought into effective operation on the 1st April.

Foreign Office, March 13, 1925.

[W 3968/18/28] No. 34.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received May 5.)

(No. 204.)

HIS Majesty's representative presents his compliments to His Majesty's Principal Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the Spanish Government containing observations on the draft regulations and dahirs for Tangier drawn up by the competent Mixed Commission.

Madrid, May 2, 1925.

Enclosure in No. 34.

Marquis de Magaz to Sir H. Rumbold.

(Translation.) *The Presidency of the Military Directorate,*
Madrid, April 28, 1925.

Your Excellency,

IN the same spirit of friendly consideration with which I invariably endeavour to study the points of view of His Britannic Majesty's Government with regard to problems of common interest to both countries, I have had the honour to examine your Excellency's note of the 18th instant, in which you were good enough to transmit to me the reply of the Foreign Office to the observations put forward by the Military Directorate in regard to certain points in connection with the draft regulations and dahirs for Tangier drawn up by the competent Mixed Commission. This reply is substantially the same as that which his Excellency Count Peretti della Rocca was good enough to send to me in the name of the Government of the French Republic in his note of the 19th instant, which reached me on the 24th.

First and foremost, I am happy to note that His Britannic Majesty's Government accept, as do the Government of the French Republic—and it could not have been possible to do less—the two reserves of a general character contained in my note above mentioned of the 27th February. His Majesty's Government understand, therefore, that, in view of this happy coincidence of opinion, an additional article will be added to the dahir regarding public accountancy, in which it will be laid down that, in accordance with the provisions of the Paris Convention, the expression "franc," each time that it is mentioned in the text of the regulations and fiscal enactments, will be interpreted as meaning "Moroccan francs." It would have been simpler, in the opinion of His Majesty's Government, to add the adjective "Moroccan" to the word "franc" wherever the expression in question occurs in the texts, taking advantage of the opportunity to make this addition provided at the time when the official printing of the regulations takes place. The Military Directorate do not, however, insist upon this, and agree forthwith to the procedure proposed by the Governments of Great Britain and of the French Republic, which consists in the addition of the explanatory article mentioned above.

His Majesty's Government furthermore understand that it is admitted by the three Governments signatories of the Paris Convention that the Spanish texts of the regulations and dahirs set forth in article 33 of the convention shall have equal force at all times with regard to their legal application, as the French text. In the same way, the Arabic text shall have legal force whenever the Mendoub or the Cadi are called upon to apply the legal regulations under reference in their courts.

His Majesty's Government equally agree that the delay which may be necessary in order to verify and compare the Spanish texts with the French text already drafted shall not be considered a ground for delay on the part of His Majesty's Government in agreeing to the practical application of the dahirs and regulations in question.

In regard to the four regulations concerning which His Majesty's Government were moved to make certain observations contained in their note of the 27th February, I have the honour to set forth below the fresh considerations suggested to this Presidency by your Excellency's note under reply.

Mining Regulations.

It is not necessary for His Majesty's Government to insist on the points of view with regard to this regulation, which were set forth in their note of the

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27th February. The observations contained therein in regard thereto were based on the desire that the general body of the legal dispositions to be applied in the Tangier zone should be inspired, as far as was possible, on the juridical principles which are generally accepted and on practice and the lessons of experience.

But from the moment that the Governments of Great Britain and the French Republic consider acceptable the procedure laid down in article 47 of the draft mining regulation for the zone of Tangier for the solution of mining claims based upon rights and titles anterior to the promulgation of the statute, His Majesty's Government accept it, although they venture to suggest that it would be convenient to add a paragraph to the effect that litigants may be assisted by experts, in the capacity of technical assessors, who, in the opinion of the commission, possess the necessary qualification.

This slight modification, which in no wise alters the construction of the above-mentioned article 47, would have the effect that the commission in question, which, in the opinion of His Majesty's Government, as set forth in the note of the 27th February, lacks special competence in mining matters, would thereby acquire it to a certain extent by means of the technical assessors which the parties might choose to employ.

Dahir relative to Alcohol.

In the note which the Ambassador of the French Republic at this Court has addressed to His Majesty's Government in regard to this question, he states that, as regards the external form of this regulation, a Vizirial decree had been selected on account of the scruples which made it difficult for His Majesty the Sultan to legislate in regard to a produce such as alcohol, the use of which is contrary to his religious principles. It is stated in Count Peretti della Rocca's note above mentioned that, in order to avoid all obstacles, the Sultan, having been approached on the subject has been pleased to agree that, as an exceptional measure, the regulation in question, *i.e.*, that relative to the question of alcohol in Tangier, shall take the form of a dahir, and shall consequently emanate from his person.

It is not necessary, therefore, to return to this point, which has been solved in a favourable manner, thanks to the friendly spirit displayed by the Government of the French Republic, which the Military Directorate appreciates at its true value.

In regard to the difficulty of principle to which His Majesty's Government drew attention in their note of the 27th February under reference, the concessions in regard thereto which have since been made by the Governments of Great Britain and the French Republic facilitate the final and friendly settlement of the question.

It would certainly be of advantage to Spanish interests that the co-efficient set forth in article 2 of the draft regulation in regard to alcohol should be raised to 18 degrees, by which the importation into Tangier of our heavy wines would be favoured. His Majesty's Government, however, desire to point out that they do not in any way ask for a privileged régime, and that their observations on this point are solely aimed at ensuring that their interests in Tangier shall not, in fact, be subjected to unequal or particularly onerous treatment, as a result of the fact that common Spanish wines generally exceed 12 degrees in strength.

In deference, therefore, to the statements contained in your Excellency's note of the 26th March, and confirmed in that of the 18th instant, to which I have the honour to reply, His Majesty's Government accept the draft regulation relative to alcohol for Tangier, as drawn up by the competent commission, without any other modifications than those which result from the cordial understanding which has happily been reached on the subject between the three Governments principally interested, that is to say :—

(*a.*) The regulation in question in the same manner as the other texts to which article 33 of the Paris Convention refers shall take the form of a dahir issued by His Imperial Majesty the Sultan of Morocco; and

(*b.*) The first paragraph of article 2 of the draft in question shall be worded in the following terms : " This duty is leviable on pure alcohol in excess of 14 degrees contained in wines, musts, vermouths, heavy or artificial wines, and on the whole of the alcohol contained in brandy, medicines, perfumes and other non-specified liquors." (" Este derecho es exigible sobre el alcohol puro que exceda de catorce grados centesimales contenido en los vinos, mistelas, vermouths, vinos generosos o de imitación y sobre la totalidad del alcohol contenido en el aguardiente, medicamentos, perfumes y otros líquidos no especificados.")

Dahir relative to Associations.

In their desire to eliminate as far as possible such obstacles as might prevent the full and immediate application of the Statute of Tangier, His Majesty's Government will not insist on the reasons which induced them to ask for the suppression of the last paragraph of article 4, whereby the Mendoub was given the power to prohibit any individual Moroccan subject from joining a mixed association.

In accordance, therefore, with the observations put forward by your Excellency, which are identical with those formulated by Count Peretti della Rocca in his latest note on the subject, His Majesty's Government agree to the text of the regulation relative to associations as drafted by the competent committee, and without any other modification than the addition in the last paragraph referred to of article 4 and immediately after the word " Mendoub " of the following phrase : " After notification to the Legislative Assembly."

Dahir relative to Real Property.

Regarding this important point, His Britannic Majesty's Government, as your Excellency is good enough to inform me in your note of the 18th instant, are prepared to accept the establishment of a Court of Appeal, which would be competent to deal with questions of real property wherever foreign litigants are involved. The court in question could consist of the Mendoub as president and two ulamas of Tangier, who would be chosen from the list of eight native assessors referred to in paragraph 2 of article 4 of the dahir relative to the organisation of the Mixed Court.

Count Peretti della Rocca in his latest note regarding this question was good enough to propose in the name of the Government of the Republic a formula which, although perhaps it does not coincide exactly with that which appears to satisfy His Britannic Majesty's Government, since it consists in making the Mendoub competent to deal with this class of appeals " assisted by two ulamas of Tangier," yet does not differ from the latter proposal when considered as a whole.

His Majesty's Government sincerely regret that neither the one nor the other solution appears to them adequate as the formula for what, in their opinion, the Tangier Court of Appeal in questions of real property could and ought to be; that is to say, an autonomous judicial organisation solely devoted to that object. It would in effect be extremely desirable that this high judicial function should be vested in magistrates who do not, like the Mendoub, have so constantly to intervene and exercise such varied functions of an administrative as well as of a legislative character.

Nevertheless His Majesty's Government, moved by that spirit of conciliation which from the commencement of the Tangier negotiations has inspired all their decisions, would agree that the presidency of such a Court of Appeal should be entrusted to the Mendoub.

It cannot, however, satisfy the Military Directorate that where a jurisdiction is concerned which has to deal with interests of undeniable importance and which it would seem should be organised from the very beginning on a basis of real independence, the two native magistrates, who are to constitute the court together with the Mendoub, should be appointed at the instigation of the Mendoub himself without other intervention. This is what the procedure would amount to which consists in the selection of ulamas in question from the list of eight candidates referred to in article 4 of the dahir, relative to the organisation of the Mixed Court, since the preparation of that list depends exclusively on the Mendoub.

The organisation of the Court of Appeal as finally proposed by His Britannic Majesty's Government and that of the French Republic appears, therefore, to the Military Directorate to be contrary to the spirit of true internationalisation which, more especially in questions which affect foreigners, inspired the Convention of Paris and which should consequently serve as a basic and integral principle for the legal dispositions derived from this convention.

Whilst agreeing, therefore, that the court in question should be solely competent to deal with those cases in which one of the litigants is a foreigner; and whilst agreeing consequently that appeals in other cases should be referred to the court at Rabat, and whilst agreeing finally in principle that the presidency of the court should be entrusted to the Mendoub, in spite of the reasons which I have had the honour to explain to your Excellency above, His Majesty's Government, in order to be able to agree definitely to the dahir relative to real property, would require that the Cabinets of London and Paris should reach an agreement with this Presidency by virtue of which some participation in the nomination of the two ulamas in question should

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be given either to the Governments of Great Britain and Spain, signatories with the Government of the Republic, of the Convention of Paris, as represented by their respective consuls-general, or, in the last resort, to the collective representation in Tangier of the Powers who have signed or adhered to the convention, *i.e.*, to the Commission of Control.

In this manner and by means of a friendly agreement, a Court of Appeal would be constituted, composed of three members in the nomination of each of whom each one of the three Governments chiefly interested in the Tangier Statute would have the necessary voice.

I venture in this connection to call your Excellency's attention to the precedent established in regard to questions of this nature by the notes exchanged on the 8th February, 1924, between the Government of the French Republic and His Majesty's Government, represented respectively by M. Poincaré and Señor Quinones de León.

One of the points which, outside the convention itself, was the object of a friendly arrangement by means of the exchange of the notes in question, presents in the opinion of His Majesty's Government, a clear analogy to that relative to the nomination of the proposed Court of Appeal. In effect, the Government of the Republic, moved by a spirit of friendly conciliation greatly appreciated by the Military Directorate, agreed that the Spanish consul in Tangier might draw the special attention of the Mendoub to the claims of a Mussulman and a Jew to form part of the Municipal Assembly of Tangier, and it was agreed by both Governments that the subsequent nomination of the two natives in question should be proceeded with after a semi-official exchange of views between the consuls-general of France and Spain.

In the belief, therefore, that there exists among the three Governments a real and sincere desire to see the Tangier Statute brought into force in its entirety as soon as possible, the Military Directorate has no doubt that the same spirit of conciliation which resulted in the friendly agreement, outside the Paris Convention, in regard to certain points of detail, will also inspire the three interested Governments on this occasion, and will induce the Cabinets of London and Paris to accord a favourable reception to the proposals of this Presidency in regard to a point of such importance, thereby removing the only obstacle which now stands in the way of the complete acceptance by Spain of the seventeen administrative and fiscal dahirs.

I must point out to your Excellency that the fact that His Majesty's Government will agree that the list of eight assessors referred to in article 4 mentioned above should be drawn up by the Mendoub without any outside intervention cannot constitute a precedent by which the Directorate are morally bound to accept the idea that the two ulamas, who are to form part of the Court of Appeal, should be chosen from the list under reference. The function which the dahir relative to the Mixed Court entrusts to the native lawyers in question, is that of simple *assessors* with a *consultative* rôle. The function which it is intended to entrust to the magistrates who, in conjunction with the Mendoub, will form part of the Court of Appeal, is that which corresponds to a magistrate or *judge*, who takes cognisance of and *decides* questions; there is thus an essential difference between the two cases.

His Majesty's Government would consequently be prepared to accept—

1. That the presidency of the Court of Appeal shall be entrusted to the Mendoub;
2. That the Court of Appeal shall be solely competent to deal with suits to which a foreigner is a party;
3. That other cases regarding real property in which Moroccan subjects are solely interested shall be referred on appeal to the court at Rabat;
4. That between the three Governments principally interested in the question, a formula should be arrived at regarding the method of nominating the two ulamas, to whom, in conjunction with the Mendoub, will be entrusted the conduct of appeals in cases relative to real property, the terms of which might be somewhat as follows:—

> "The attention of the Mendoub shall be specially drawn by the consul-general of Spain in Tangier to the claims of some Mussulman notable to form part of the Court of Appeal for cases relative to real property. This native notable shall be appointed to the post in question as soon as the examination of his qualifications, on the basis of a list of three candidates presented for this purpose by the said Spanish consul-general, shall have formed the subject of a friendly understanding between the Spanish and French consuls-general.

> "The attention of the Mendoub shall be specially drawn by the consul-general of Great Britain in Tangier to the claims of some Mussulman notable to form part of the Court of Appeal for cases relative to real property. This native notable shall be appointed to the post in question as soon as the examination of his qualifications on the basis of a list of three candidates presented to this effect by the said British consul-general has formed the subject of a friendly understanding between the consuls-general of Great Britain and France."

I have no doubt, your Excellency, that the strenuous effort at conciliation made by His Majesty's Government in order to reach an understanding with the Governments of Great Britain and France in questions of so varied and difficult a nature, will be appreciated in a friendly spirit by the Cabinets of London and Paris, and will shortly lead to a complete accord, which will allow of the full application of the Statute of Tangier.

I have had the honour to address a note in similar terms under to-day's date to his Excellency the Ambassador of the French Republic at this Court.

I avail, &c.

EL MARQUES DE MAGAZ.

[W 4168/18/28] No. 35.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received May* 11.)

(No. 212.)

Sir, *Madrid, May* 7, 1925.

WITH reference to my telegram No. 34 of to-day's date, I have the honour to transmit herewith translation of the note which I have received from the President of the Military Directorate in reply to my communication of the 1st May, copy of which was enclosed in my despatch No. 206 of the 2nd instant, putting forward the proposal that the Tangier Statute should be brought into force on the 1st June next.

2. It will be seen that the Marqués de Estella cordially accepts the proposal, and agrees, without reserve, that the French texts of the codes and regulations should have sole validity until such time as the Spanish texts shall have been examined and approved.

3. I am communicating a copy of this note to the French Ambassador in compliance with his request.

4. I am forwarding a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.

HORACE RUMBOLD.

Enclosure in No. 35.

President of the Military Directorate to Sir H. Rumbold.

(Translation.)

Your Excellency, *Madrid, May* 6, 1925.

I HAVE had the honour to consider your Excellency's note of the 1st instant, in which you are so good as to request in the name of His Britannic Majesty's Government the adhesion of the Military Directorate to the suggestion that the Tangier Statute should be brought fully into force as from the 1st June next, the comparison of the Spanish and French texts of the codes and regulations which have to be brought immediately into force being effected as soon as possible, and in the event of a delay in such comparison, the complete termination of this work not being awaited, but sole validity being in such case given to the French original pending the publication of the Spanish texts. Your Excellency bases your argument on the fact that, His Majesty's Government having approved all the dahirs and regulations mentioned in article 33 of the convention, with the sole exception of that relative to real property, there can be no logical reason why the statute should not enter into force immediately, thus putting an end to the present anomalous state of affairs, the prolongation of which would be clearly detrimental to the general interests.

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This view coincides with that which I had the honour to express to your Excellency in my note of the 27th February, at a time when His Majesty's Government had not yet approved the regulation in regard to alcohol nor those in regard to associations and mining concessions. The Military Directorate must all the more maintain it at the present moment, when, as a result of a friendly understanding with the Governments of Great Britain and France, an agreement has at length been reached in regard to the three dahirs in question.

I am therefore most happy to inform your Excellency, with the request that you will be so good as to communicate it to His Britannic Majesty's Government, that the Military Directorate fully agree that from the 1st June next the régime established by the Paris Convention in regard to the Statute of Tangier shall enter fully into force, the Mixed Court, the organisation of which forms the subject of one of the dahirs annexed to the international agreement above mentioned, likewise functioning from the same date.

His Majesty's Government hope that before the 1st June it will have been possible to effect at Tangier, in accordance with the formalities which the consuls-general may think fit to determine, the comparison of the Spanish texts of the codes and regulations which are to have effect from the 1st June, with the relative French texts Should, however, such comparison not be terminated by the date in question, this presidency, in deference to the suggestion of His Britannic Majesty's Government, likewise agree that until such time as the Spanish texts shall have been examined, sole validity for all legal purposes shall be conceded to the corresponding French texts.

I do not doubt, on the other hand, that, recognising the importance of the only point still awaiting settlement between the three Governments chiefly interested, that is to say, that in regard to the constitution of the Court of Appeal in cases relative to real property, your Excellency will be so good as to recommend, in a specially friendly and benevolent manner, to the consideration of His Britannic Majesty's Government the formula which I had the honour to propose to your Excellency on this point in my last note on the subject.

I avail, &c.
EL MARQUÉS DE ESTELLA.

[W 4467/18/28] No. 36.

Sir H. Rumbold to Mr. Austen Chamberlain.—(Received May 19.)

(No. 221.)

Sir, *Madrid, May 11, 1925.*

WITH reference to my despatch No. 212 of the 7th instant, I have the honour to transmit herewith copy of a note addressed by the French Ambassador to the president of the Military Directorate in regard to the question of the entry into force of the Tangier Statute on the 1st June next.

2. I am forwarding a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
HORACE RUMBOLD.

Enclosure in No. 36.

French Ambassador to President of Military Directorate.

M. le Président, *Madrid, le 9 mai 1925.*

PAR sa lettre du 8 de ce mois, que j'ai reçue ce matin, votre Excellence a bien voulu me confirmer les indications qu'elle avait déjà données à l'Ambassadeur de Sa Majesté britannique au sujet de la mise en vigueur du Statut de Tanger.

Il est donc entendu qu'à partir du 1er juin prochain entrera intégralement en vigueur le régime établi par l'Accord de Paris au sujet du Statut de Tanger, le Tribunal mixte dont l'organisation est prévue par un des dahirs annexés à cet accord devant commencer à fonctionner à la même date.

Il y a lieu d'espérer que le collationnement des codes et des règlements sera terminé avant le 1er juin. Dans le cas contraire, les textes français feront seuls foi jusqu'à l'achèvement de ce collationnement.

Je remercie votre Excellence d'avoir bien voulu ainsi préciser ces indications, qui donnent toute satisfaction à mon Gouvernement. Je fais savoir à M. Briand que dans ces conditions il n'y a plus d'objections à ce que les trois consuls d'Angleterre, d'Espagne et de France à Tanger annoncent que le statut sera mis-en vigueur le 1er juin.

Comme je l'ai dit hier à votre Excellence, j'ai déjà, suivant son désir, fait savoir à mon Gouvernement que le Gouvernement royal espérait que les Gouvernements français et britannique prendraient en considération la formule de conciliation proposée par lui en ce qui concerne la désignation des notables musulmans qui feront partie du Tribunal d'Appel en matière immobilière.

Je saisis, &c.
PERETTI DE LA ROCCA.

[W 5406/18/28] No. 37.

Consul-General Clive to Mr. Austen Chamberlain.—(Received June 10)

(No. 171.)

Sir, *Tangier, June 4, 1925.*

I HAD the honour in my telegram No. 54 of the 1st June to inform you that the statute was formally introduced that day, and the judges of the mixed tribunal installed. Regarding the difficulty that has arisen owing to one of the Spanish judges being unable to take the oath, I would refer you to my despatch No. 167 of the 2nd June. I now have the honour to enclose the *procès-verbal** of the meeting that was held at 10 o'clock on the morning of the 1st June at the official residence of the Mendoub in order to bring the statute into force. The *procès-verbal* was signed by his Excellency the Mendoub and the five members of the Committee of Control. During the reading by the Mendoub of the various documents enumerated in the *procès-verbal* a salute of twenty-one guns was fired. A guard of honour from the two tabors was drawn up in the Soko (market place), and the whole ceremony was conducted with befitting dignity.

2. It may be of interest now that the statute is at length in force briefly to record the exact position as it is to-day.

3. The most unsatisfactory feature is that no progress has been made with the new gendarmerie or the police force. My Belgian colleague tells me that he has heard from Brussels the name of a candidate for the position of captain of the gendarmerie who may be acceptable, but he is still without official news on the subject. Meanwhile, the two tabors continue at a considerably greater cost than that estimated for the new gendarmerie and the police force. It may be hoped that this extra cost will not fall on the Tangier budget, but will be paid out of protectorate funds. As regards the appointment of a police commissioner, I regret that no progress has so far been made. The candidate whom M. Alberge proposed to recommend to the Assembly—a police official from Casablanca—destroyed his chances of being accepted by informing the Casablanca press that he was going to Tangier to take charge of the police before anybody but M. Alberge even knew his name. The latter is now seeking for other candidates. Meanwhile, I understand that the Spanish colony desire the appointment of a Spaniard, and my Spanish colleague is ready to submit as a candidate the present chief of police at Granada. The Jewish colony continue to express their preference for a British commissioner of police, but I have informed M. Alberge, as I have already informed my French and Spanish colleagues, that I would only try and find a British candidate if this is generally desired, and the French and Spaniards absolutely fail to agree.

4. All the other posts in the Administration have now been filled, or at least the occupants have been designated. One of the most important, that of health doctor of the town, will, I hope, be filled by an Englishman. A Spaniard was first proposed for this post and accepted by a majority of the Recruiting Committee, but was turned down by the Assembly as not having the requisite qualifications. On the matter being referred back to the committee, Dr. Scott, an Englishman with an excellent record of service in Egypt, was proposed for the post and unanimously accepted in the Assembly. A reply is now awaited from Dr. Scott as to whether he would accept the conditions offered. As far as possible in the case of the minor posts preference was given to local

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candidates, and there is consequently a majority of Spaniards. The important position of head of the Domaines will be filled by a Frenchman from the protectorate, with a Spaniard as assistant. Another post, that of assistant engineer of State public works, will be filled by a British subject, a Gibraltarian with excellent references from Gibraltar.

5. A question that has given rise to a certain amount of difficulty is that of interzonal customs provided for in article 20 of the convention. About a fortnight ago the head of the Tangier Customs communicated to the chambers of commerce and to the consuls-general copy of a regulation which he had communicated to the French and Spanish zones regarding the collection of customs duties in the Tangier zone after the coming into force of the statute. A majority of the Committee of Control, the French consul-general dissenting, held that under article 14 of the Organic Dahir no arrangements could be made for the collection of interzonal duties without previous arrangement between the authorities of the three zones, and that the regulation issued by the head of the Tangier Customs should accordingly be withdrawn. The matter was taken up in the Assembly at their first official meeting on the 1st June, at which M. Toulza was invited to be present. My French and Spanish colleagues and I have all received letters of protest from our respective chambers of commerce, and it may be hoped that until a satisfactory arrangement is come to between the three zones the interzonal duties will not be levied.

6. A question which has brought into evidence the Italian attitude towards the statute is that of the Conseil sanitaire. The position is described fully in my despatch No. 170 of the 4th June. Briefly, the Italian agent declines to hand over the service and funds of the Conseil sanitaire, the Italian Government holding that the dahir putting the statute into force is illegal.

7. Meanwhile, the new Administration has taken over all the officials of the Sanitary Council and is issuing bills of health for Moroccan ports. An Italian yacht which is in harbour to-day refused to accept a bill of health from the new Administration and it remains to be seen what will happen when she reaches Casablanca, when it is quite possible the French authorities may put her into quarantine. In any case, my French and Spanish colleagues are requesting the authorities of their respective zones only to accept bills of health issued by the new Administration.

8. In accordance with article 52 of the statute the Administration notified the proprietors of gambling establishments that games of chance were forbidden in the Tangier zone on the 1st June. The lessee of the five principal gaming establishments is a Spaniard and has conformed to the order. Three or four small gaming places have, however, started since the 1st June under the ægis of Italian and American proprietors. No action has so far been taken, but the Administration is keeping a close watch on the proceedings.

9. Finally, I would add that all sorts of foolish and incorrect rumours are current among the native population. For instance, that there will be compulsory vaccination, taxation on babies, dogs and horses; that sugar, owing to the consumption tax, will cost 33 per cent. more than before, and so on. I have mentioned this to my French colleague, who is taking steps, through the French secretary to the Mendoub, to have the true state of affairs made known and these wild rumours dissipated. There is no doubt, however, that small traders have taken advantage of the consumption tax on sugar to demand quite unreasonable prices. The idea of many of the natives apparently is that they have to thank the French for these increased prices and the whole thing is vaguely connected in their minds with the French campaign against Abdel Krim. At the same time it would be idle to pretend that there is any enthusiasm for the statute. On the contrary there is a general feeling of despondency. Hopeless as was the state of affairs last year, it is felt that things are worse now. The new port tariff has driven trade from Tangier, and even though the port company has consented to halve the charges for goods in transit the very high lighterage charges remain, and in any case it will take time to recover the transit trade that has been lost to Gibraltar and Ceuta. The interzonal customs duties provided for in article 20 of the convention are looked upon as spelling sheer loss to Tangier. The western end of the Spanish zone is the natural hinterland of Tangier, and it is through Tangier that most of the trade to and from Arzila and Laraiche has passed. When the Tangier–Fez Railway comes to be finished this trade is bound to develop, but it will be the Spanish zone and not Tangier that will reap the benefit. One must therefore count probably in the future on a very considerable diminution in the receipts of the Tangier Customs. The prohibition of gambling will mean either that the Kursaal and other places of entertainment will be closed or that very much increased prices

will be charged to replace the profits from gambling, and that at a time when trade is bad and everyone feeling poor.

10. It will be realised from the above that the Administration have an uphill task before them. They start with a big handicap, and to make of Tangier a successful going concern will require much hard work, intelligence, tact and luck.

I have, &c.
R. H. CLIVE.

(b.) Commandant of the Tangier Gendarmerie.

[W 578/18/28] No. 38.

Sir G. Grahame to Mr. Austen Chamberlain.—(*Received January* 22.)

(No. 57.)

Sir, *Brussels, January* 21, 1925.

ON receipt of your despatch No. 69 of the 16th instant, I made enquiries of the Spanish Ambassador as to whether he was prepared to make a communication to the Belgian Government respecting the pay of the Belgian captain and non-commissioned officers for the Tangier gendarmerie, in the sense specified in your despatch, since his Excellency's instructions, which he had communicated to me some days earlier, mentioned different sums to those accepted in principle at the time of the Tangier Conference. The Marquis of Villalobar replied that there had been an error in cyphering with regard to the pay of the non-commissioned officers, whose pay was now correctly specified as 12,000 fr.; but he said that he must telegraph to Madrid to ascertain the reason for the discrepancy respecting the salary of the captain commandant, since his instructions specified a salary of 25,000 fr. —not 26,000 fr.—and did not mention the amount of the lodging allowance to be allocated to this officer

Mr. Wingfield also made enquiries at the French Embassy, where M. Jaunez, the counsellor, pointed out that they had already last month answered the Belgian note on this subject. Mr. Wingfield told him that I proposed, when the Spanish Ambassador was in receipt of similar instructions, to inform the Belgian Government of the recommendations which His Majesty's Government are prepared to make to their representatives on the Tangier Assembly; and he added that I would specify Moroccan francs as the currency in which these payments would be made.

The Spanish Ambassador informed me yesterday that he had received instructions similar to mine respecting the salary and lodging allowance of the Belgian captain of gendarmerie, and that he was now prepared to answer the Belgian enquiries respecting the pay of that officer and of the non-commissioned officers. I accordingly addressed to the Belgian Minister for Foreign Affairs a note, a copy of which I beg leave to enclose herein; and I am sending copies of it to the French and Spanish Ambassadors.

I have, &c.
GEORGE GRAHAME.

Enclosure in No. 38.

Sir G. Grahame to M. Hymans.

M. le Ministre, *Brussels, January* 20, 1925.

IN reply to your Excellency's note of the 12th ultimo, I have the honour to inform you that the "Règlement de la Gendarmerie," which was embodied in the Tangier Convention, lays down that "un contrat passé entre l'administration de Tanger et les officiers européens détermine les conditions de leur engagement, et fixe leur solde." The Tangier Administration are thus free to make what arrangements they please with regard to the conditions of service in the Tangier gendarmerie. At the 22nd meeting of the Tangier Conference, however, the French representative suggested a certain scale of pay for the officers and non-commissioned officers of the gendarmerie, to which his British and Spanish colleagues raised no objection. These proposals contemplated the payment to the captain of a salary of 26,000 fr. a year, plus 4,000 fr. as lodging allowance; and to the non-commissioned officers 12,000 fr. per annum.

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In these circumstances, although His Majesty's Government are unable to state definitely what will be the pay of these gendarmerie officers and non-commissioned officers, they are prepared to recommend to the British members of the Tangier Assembly the adoption of the scale of salaries mentioned above, to be paid in Moroccan francs; and they understand that the French and Spanish Governments are prepared to make similar recommendations to their representatives on the Tangier Assembly.

I trust that these arrangements with regard to the pay of the Belgian captain and non-commissioned officers of the Tangier gendarmerie will make it possible for nominations to be made to these posts without delay, and for arrangements to be made for the early departure of the Belgian captain and non-commissioned officers for Tangier.

I avail, &c.
GEORGE GRAHAME.

[W 2749/18/28] No. 39.

Sir G. Grahame to Mr. Austen Chamberlain.— (*Received March* 30.)

(No. 235. Confidential.)

Sir, *Brussels, March* 26, 1925.

IN the second paragraph of your despatch No. 311 of the 10th instant, I am instructed to ascertain informally from the Belgian Government what would be the minimum rate which Captain van den Heuvel would accept as captain commandant of the Tangier gendarmerie. Colonel Needham, military attaché to His Majesty's Embassy, has, however, discussed the matter informally with Captain van den Heuvel himself, and I beg leave to transmit to you herewith a copy of a memorandum on the subject with which he has supplied me. You will see that Captain van den Heuvel, who has informed himself with regard to the cost of living at Tangier, is not prepared to go there for less than 50,000 fr. a year, including pay and allowances.

I understand that the Belgian Government, on being approached by the British, French and Spanish Governments with a request to select an officer for this post, detailed Captain van den Heuvel for it without consulting him This officer is married, and belongs to a "smart" regiment, the Guides. His scale of living is consequently considerably above that of the average Belgian officer; and Colonel Needham considers that a Belgian unmarried gendarmerie officer could be found to go at the salary offered, and that such an officer would probably be more suited to the duties of commanding the gendarmerie in Tangier and dealing with the French and Spanish gendarmerie officers with whom he will be associated than would an officer from some "smarter" corps. He also points out that many Belgian gendarmerie officers who have served in the Congo already possess a knowledge of Arabic.

I have, &c.
GEORGE GRAHAME.

Enclosure in No. 39.

Memorandum by Colonel Needham.

I HAVE seen Captain van den Heuvel informally, and gather he is disinclined to take less than a total equivalent of 50,000 fr. (taking French and Moroccan at a parity) yearly. In addition, he would require a free transport and carriage of furniture to Tangier and back.

Captain van den Heuvel is a good class of officer and has private means; he was detailed for this duty without previous consultation, and is not, I fancy, very keen on it, really.

I do not think you will get a Belgian married officer under the amount I mention above; the cost of accommodation in Tangier is very high.

In my opinion, a Belgian gendarmerie officer, unmarried for preference, could be obtained for the pay offered, and would be more suitable. The Belgian gendarmerie is a very efficient force.

H. NEEDHAM,
Military Attaché.

[W 2749/18/28] No. 40.

Mr. Austen Chamberlain to the Marquess of Crewe (*Paris*), *No.* 1156, *and to Sir H. Rumbold* (*Madrid*), *No* 189, mutatis mutandis.

Sir, *Foreign Office, April* 3, 1925.

WITH reference to my despatch No. 866 of the 12th ultimo, I transmit herewith a copy of a despatch from His Majesty's Ambassador at Brussels stating that he has ascertained from Captain van den Heuvel, the commandant designate of the Tangier gendarmerie, that he is not prepared to accept the post at a salary of less than 50,000 Moroccan francs per annum, including allowances.

2. Although it is possible that the Tangier Assembly might have been willing to sanction a small increase in the rate originally proposed, viz., 26,000 fr., it is quite certain that they would not agree to the salary demanded by Captain van den Heuvel, which is considerably higher than that paid to the judges of the Mixed Tribunal or the British and Spanish assistant administrators. In the circumstances, it is clear that unless Sir G. Grahame is misinformed, another officer must be found for the post. His Majesty's Government consider that the best course will be for the three signatory Governments to enquire of the Belgian Government, without delay, whether Captain van den Heuvel is willing to accept the rate of pay offered, and if not, whether they will designate another officer who is prepared to do so.

3. I request that your Excellency will inform the French Government accordingly, and urge them to send immediate instructions to their representative at Brussels to concert with his British and Spanish colleagues in making a joint communication to the Belgian Government on the lines suggested.

4. A similar despatch is being addressed to His Majesty's Ambassador at Madrid.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 3954/18/28] No. 41.

Sir G. Grahame to Mr. Austen Chamberlain.—(*Received May* 5.)

(No. 336.)

Sir, *Brussels, May* 4, 1925.

AS your despatch to His Majesty's Ambassador in Paris No. 1156 of the 3rd ultimo had instructed him to urge the French Government to instruct their representative in Brussels to concert with my Spanish colleague and myself to make joint representations to the Belgian Government respecting the pay and allowance of the commandant of the Tangier gendarmerie, I lost no time, so soon as the French Chargé d'Affaires and the Spanish Ambassador had received their instructions, in addressing to the Belgian Minister for Foreign Affairs a note enquiring whether Captain von den Heuvel was prepared to accept the post of commandant on the conditions already proposed, and requesting that, if he were not prepared to do so, the Belgian Government would be good enough to nominate some other officer, who would accept these conditions.

I am now in receipt of the reply of the Belgian Government, a copy of which I have the honour to transmit to you herewith, informing me that Captain von den Heuvel does not feel able to accept this post for financial reasons, and that, before proposing a new candidate, the Belgian Government have instructed their consul-general to approach the new Tangier Administration in order to obtain an increase in the lodging allowance offered.

M. Hymans adds that the Belgian consul-general had also been instructed to raise with the competent Tangier authorities the question of the provision of quarters for the Belgian non-commissioned officers of the gendarmerie.

I await your instructions as to the answer that should be returned to M. Hymans' note.

I have, &c.
GEORGE GRAHAME.

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Enclosure in No. 41.

M. Hymans to Sir G. Grahame.

M. l'Ambassadeur, *Bruxelles, le 4 mai* 1925.

J'AI l'honneur d'accuser réception à votre Excellence de sa lettre du 24 avril dernier, relative à la désignation du commandant de la gendarmerie de Tanger.

Il est exact que le Commandant van den Heuvel dont j'avais annoncé le choix à votre Excellence le 2 février dernier, ne croit pas, pour des raisons financières, pouvoir assumer les fonctions qui lui avaient été proposées. D'après les renseignements que cet officier a recueillis sur place, renseignements que confirment, d'ailleurs, les indications obtenues par mon département, le traitement de 26,000 fr. et l'indemnité de logement de 4,000 fr. indiqués précédemment par votre Excellence, ne sont pas en rapport avec les fonctions dévolues au commandant de la gendarmerie et ne correspondent pas aux charges résultant actuellement de la cherté de la vie et des conditions de résidence en cette ville.

Le Gouvernement du Roi, en présence de cette situation et avant de faire appel à un nouveau candidat, a recherché les moyens d'améliorer le statut financier du future commandant. Le taux du traitement proprement dit (26,000 fr.) ayant été fixé par les Puissances lors de la négociation de la Convention de Paris du 18 décembre 1923, le Gouvernement, soucieux d'éviter la reprise de nouveaux pourparlers à ce sujet entre les Puissances signataires, a chargé son consul général à Tanger de solliciter de la nouvelle Administration tangéroise un accroissement de l'indemnité de logement prévue pour le chef de la gendarmerie. C'est, en effet, à cette Administration qu'il appartient, conformément à l'article 9 du Règlement de la Gendarmerie, de prendre une décision au sujet des allocations et indemnités attribuées au personnel de ce corps. D'après les dernières informations de M. Watteeuw, l'Assemblée législative devait être saisie de la question dans une prochaine réunion; au surplus les agents consulaires des Puissances signataires se montreraient disposés à intervenir auprès des membres de l'Assemblée ressortissants à leur pays pour que les dispositions qui leur seront soumises soient favorablement accueillies.

D'autre part, je signalerai également à votre Excellence qu'en ce qui concerne les deux sous-officiers belges adjoints au commandant, le Gouvernement du Roi avait toujours pensé que ces militaires seraient logés soit dans les locaux affectés à la gendarmerie, soit aux frais de l'Administration tangéroise; or rien n'aurait été prévu à ce sujet. Il va de soi que la solde de 12,000 fr. qui est prévue pour ces agents subalternes et qui correspond à peine à celle dont ils bénéficient dans l'armée belge, est notoirement insuffisante s'ils ne sont pas indemnisés, comme en Belgique, de leurs frais de logement, d'équipement, &c. Cette question également est actuellement examinée par les autorités compétentes de Tanger, à la demande du consul général de Belgique.

Je suis persuadé que les Puissances signataires de la Convention de Paris reconnaîtront le bien-fondé de ces revendications et se montreront disposées à intervenir auprès de l'Administration tangéroise afin qu'une suite favorable leur soit donnée dans le plus bref délai.

Si le Gouvernement du Roi recevait des assurances à ce sujet, il lui serait plus aisé d'arrêter définitivement le choix du capitaine et des deux sous-officiers destinés à la gendarmerie de Tanger.

Je saisis, &c.
HYMANS.

(c.) United States and the Tangier Convention.

[**W 91/18/28**] No. **42**

Sir E. Howard to Mr. Austen Chamberlain.—(*Received January* 5, 1925.)

(No. 1911.)

Sir, *Washington, December* 23, 1924.

I HAVE the honour to transmit to you, herewith, copy of a note from the Department of State respecting the Tangier Convention.

I have, &c.
(For the Ambassador),
H. G. CHILTON.

Enclosure in No. 42.

Mr. Hughes to Sir E. Howard.

Excellency, *Washington, December* 20, 1924.

I HAVE the honour to acknowledge the receipt of your courteous note of the 10th October, 1924, regarding the proposal of your Government and the Governments of France and Spain that the United States shall adhere to the convention signed on the 18th December, 1923, with reference to the Statute of Tangier.

I stated in my note of the 11th July, 1924, that this Government would, after having had an opportunity to examine the regulations and codes referred to in articles 32 and 48, respectively, of the convention, consider the possibility of suspending its extra-territorial rights in the zone of Tangier, to the extent that such rights might appear to be safeguarded by the new régime on certain conditions specified in the note.

You have been good enough to favour me with the views of your Government on each of the points raised in my note. Those views, as well as the views expressed by the Governments of France and Spain on the same subject, have been given most careful consideration by this Government, and I beg now to submit the following comments thereon in the order in which the different subjects are discussed in your note:—

1. I am pleased to note that your Government accepts this Government's understanding, as expressed in paragraph numbered 1 of my note of the 11th July, 1924, of the meaning of the terms "economic equality among nations" and "régime of economic equality" employed in articles 7 and 30, respectively, of the convention. The replies of the French and Spanish Governments on this point are likewise acceptable to this Government.

2. With respect to the condition indicated in paragraph numbered 2 of my note of the 11th July, 1924, that the signatories to the convention shall assume responsibility for any acts or omissions of the administrative authorities of the zone which would ordinarily give rise to a right of international reclamation, you state that the French Government, as the only intermediary of the Sultan with foreign representatives and in the relations which those representatives have with the Shereefian Government, will assume full responsibility in the Tangier zone toward the United States or any other Government, in so far as diplomatic questions are concerned. A similar statement is contained in the note which I have received from the French Ambassador.

It is not, however, entirely clear to this Government whether it is intended that the French Government should assume this responsibility or whether that Government is merely to act as the intermediary of the Moroccan Government in such matters. In view of this uncertainty, I should be pleased to receive a further expression of your Government's understanding of the situation.

3. With respect to the third point mentioned in my note of the 11th July regarding the designation of associate judges from among the personnel of the American consulate-general at Tangier, to sit on the Mixed Courts in cases to which American citizens are parties, you state that in framing the dahir establishing the Mixed Tribunals the representatives of the signatory States were actuated by the principle of the divorcement of the judicial from the executive authority, and that it was, therefore, provided in the statute that no person holding an official position should sit on the tribunals as an associate judge. You express willingness to interpret the convention as permitting the designation of an associate judge or judges from among the personnel of the American consulate-general exclusive of officers *de carrière*.

This Government's only purpose in desiring the privilege of selecting judges from among its consular personnel in Tangier is to ensure proper representation on the Mixed Courts. There are, as your Government is aware, but few American citizens in Tangier, and it is probable that at times it might be difficult to find outside of official circles a person suitable for the important duty of acting as associate judge. It is, therefore, considered that, with a view to assisting, in so far as may be practicable, in maintaining the courts on such a plane as will inspire confidence and promote a proper administration of justice, this Government should be free to designate for this duty any qualified citizen of the United States regardless of the fact that he may hold a position as consular officer *de carrière*.

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I fully share the view of your Government, and this appears also to be the view of the French and Spanish Governments, concerning the desirability of separating the judicial from the executive authority, but I would respectfully suggest that since this Government does not contemplate taking any part in the administration of the zone of Tangier, and since its consular officers will not, therefore, occupy any executive position in connection therewith, not even on the Committee of Control to which you refer, the designation of such consular officers as associate judges would not seem to run counter to the purposes of the convention in this respect.

I assume, therefore, that in the light of this explanation the objections voiced by the signatories to the convention with respect to the designation of consular officers *de carrière* as associate judges will no longer obtain. I should be pleased if I might have the assurance of your Government on this point.

4. I observe with satisfaction your Government's confirmation of this Government's understanding, stated in paragraph 4 of my note of the 11th July, that the provisions of article 13 of the convention with respect to semsars are intended in no way to, and do not in fact, affect the existing rights of the Powers in regard to semsars in other parts of Morocco. Similar assurances have also been received from the Governments of France and Spain.

5. I also note with satisfaction that your Government agrees that the extension to the Tangier zone of any future agreement concluded by His Shereefian Majesty with any other Power shall not in any way prejudice or abridge the rights of American citizens in Tangier without the consent of this Government.

In addition to receiving further assurances on the points discussed in paragraphs 2 and 3 above, I should be pleased to be informed (1) whether the regulations and codes referred to above have been compiled and whether it is intended that this Government shall be given an opportunity to examine them before steps are taken to put them into operation, and (2) whether it is intended that the diplomatic agencies in Tangier, which it is provided in article 49 of the convention shall be replaced by consulates, shall be established elsewhere in Morocco, and if not, by what method it is contemplated that diplomatic relations with the Shereefian Empire shall be maintained.

Upon receipt of satisfactory assurances on these remaining points, this Government will, as stated in my note of the 11th July, 1924, consider the possibility of suspending its extra-territorial rights in Tangier to the extent that they may appear to be adequately safeguarded by the proposed new régime. Your Government will, of course, understand that the executive branch of this Government cannot undertake to make the provisions of the convention applicable to American citizens in Tangier without an appropriate convention to that end with the approval of the Senate of the United States or appropriate legislative sanction of the suspension of extra-territorial rights.

Accept, &c.
CHARLES E. HUGHES.

[**W 91/18/25**] No. 43.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 146.)

My Lord, *Foreign Office, January* 12, 1925.

WITH reference to my predecessor's despatch No. 2449 of the 31st July last, I transmit herewith copies of a despatch from His Majesty's Ambassador at Washington covering a further note from the United States Government on the subject of the accession of the United States to the Tangier Convention* and of a memorandum expressing the views of His Majesty's Government on the American note.

2. I request that your Lordship will communicate the memorandum to the French Government and invite their early observations thereon.

3. A similar despatch is being addressed to His Majesty's Ambassador at Madrid.

I am, &c.
AUSTEN CHAMBERLAIN.

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* No. 42.

Enclosure in No. 43.

Memorandum.

HIS Majesty's Government have given careful consideration to the further note regarding the accession of the United States to the Tangier Convention which the United States Government addressed on the 20th ultimo to the representatives of the three signatory Powers at Washington. The United States Government unfortunately maintain their refusal to be represented on the Committee of Control and they demand satisfactory assurances on the following four points:—

(1.) The assumption of responsibility for acts of the administrative authorities of the zone.
(2.) The designation of American Associate Judges from amongst the personnel of the American consulate-general at Tangier.
(3.) Communication to the United States Government of the Tangier Dahirs and Legal Codes before these are put into operation.
(4.) The question of diplomatic representation in Morocco.

2. Under the Tangier Convention a certain measure of responsibility for the acts of the Administration is allotted to all the signatories of the Act of Algeciras, inasmuch as they are represented on the Committee of Control, and that body has been entrusted with sufficient powers to veto measures which might give rise to diplomatic representations. The decision of the United States Government not to be represented on the Committee of Control, even if the United States accede to the Tangier Convention, creates an unforeseen position. Article 5 of the Tangier Convention states:—

> "La zone de Tanger dispose, par délégation de Sa Majesté chérifienne et sous réserve des exceptions prévues, des pouvoirs législatifs et administratifs les plus étendus. Cette délégation est permanente et générale, sauf en matière diplomatique, où il n'est pas dérogé aux dispositions de l'article 5 du Traité de Protectorat du 30 mars 1912."

In virtue of article 5 of the Protectorate Treaty of 1912 the French Government are the only intermediary of the Sultan with foreign representatives, and they are therefore responsible towards the United States Government in so far as diplomatic questions in the Tangier zone are concerned. If article 5 was the only relevant passage in the Tangier Convention, it would be clear that the French Government assume responsibility in the Tangier zone on behalf of the Sultan of Morocco, but article 9 of the Shereefian Dahir annexed to the Tangier Convention states:—

> "Aucune responsabilité ne peut être imputée à notre Gouvernement chérifien par suite de réclamations motivées par des faits qui se produiraient dans la zone de Tanger du chef de l'administration de l'organisme international."

Read in conjunction, the two passages quoted above make it clear that the French Government have no special direct responsibility for the acts of the Tangier Administration, nor do they assume responsibility on behalf of the Sultan, since His Shereefian Majesty categorically repudiates any such responsibility. The only reasonable interpretation which can be given to the texts is that the French Government, in virtue of article 5 of the convention, assume responsibility on behalf of the Tangier Administration.

3. In view of the fact that, so far as is known, there are no American citizens resident at Tangier who would be fit to act as Associate Judges on the Mixed Tribunal, and that the American consul-general is to exercise no administrative functions, His Majesty's Government feel that the United States Government are not unjustified in asking that a member of the American consular staff at Tangier should be eligible to sit as an Associate Judge. The three signatory Powers will be probably well advised to make a special concession in the matter, if by so doing they can induce the United States to accede. If the concession has not the anticipated effect, it will naturally remain inoperative.

4. His Majesty's Government presume that the Legal Codes and administrative regulations to be applied in the Tangier zone will very shortly be published. They suggest that the three signatory Powers should formally communicate these

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publications to the United States Government as soon as possible, with an intimation that the texts will not apply to United States citizens until the United States Government have agreed.

5. As regards the question of diplomatic representation in Morocco, His Majesty's Government propose to reply that they intend to maintain relations with the Shereefian Government through their consul-general at Rabat and that the method by which the United States will do so is a matter for adjustment with the French Government.

Foreign Office,
January 13, 1925.

[W 1138/18/28] No. 44.

Mr. Phipps to Mr. Austen Chamberlain.—(*Received February* 12.)

(No. 373.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the French Ministry for Foreign Affairs, respecting the United States Government and the Tangier Convention.

Paris, February 11, 1925.

Enclosure in No. 44.

M. Herriot to Mr. Phipps.

Paris, le 10 *février* 1925.

M. le Ministre,

PAR une lettre en date du 14 janvier dernier, son Excellence M. le Marquis de Crewe a bien voulu me donner communication d'un mémorandum du Gouvernement fédéral du 20 décembre précédent, remis à l'Ambassadeur de Sa Majesté britannique à Washington et relatif à l'adhésion éventuelle des États-Unis à la Convention relative au Statut de la Zone de Tanger.

En me faisant part, à cette occasion, de la manière de voir du Gouvernement britannique sur la réponse américaine, l'Ambassadeur d'Angleterre à Paris exprimait le désir de connaître, de son côté, l'avis du Gouvernement de la République.

Je suis heureux de vous faire savoir que les points de vue de la Grande-Bretagne et de la France, à ce sujet, sont entièrement concordants.

Les questions à examiner étaient les suivantes :

1. Le Gouvernement fédéral désirerait avoir des explications complémentaires sur la responsabilité, à l'égard des Etats-Unis et des autres Gouvernements, qu'assumera le Gouvernement français relativement à tous actes ou omissions des autorités administratives de la zone de Tanger qui pourraient donner naissance à réclamation internationale.

Par le traité du 30 mars 1912, le Sultan du Maroc, en acceptant le protectorat de la France, a renoncé à avoir une politique extérieure indépendante. C'est le Gouvernement français qui, depuis cette date, a pris en mains la direction de la politique extérieure de l'Empire chérifien. Mais, de même qu'il a assumé la charge de cette politique extérieure, de même le Gouvernement français en a assumé la responsabilité. C'est donc pour son propre compte, et non comme intermédiaire du Gouvernement chérifien, que le Gouvernement français assumera la responsabilité de tous actes émanants de l'administration de Tanger et qui pourraient donner lieu à réclamation diplomatique.

C'est à cette conclusion qu'aboutit également le mémorandum britannique, qui, se basant sur l'article 5 de la Convention relative au Statut de la Zone de Tanger, reconnaît la responsabilité, en cette matière, du Gouvernement français.

2. Le Gouvernement des Etats-Unis fait remarquer qu'il lui est impossible de se conformer strictement aux dispositions de l'article 1" du dahir sur l'organisation judiciaire de Tanger, qui veut que les membres adjoints du Tribunal mixte soient :

(*a.*) Nationaux du consulat qui les désigne;
(*b.*) Non pourvus d'une fonction publique.

Il y a très peu de citoyens américains à Tanger, et le Gouvernement des Etats-Unis ne voit pas où il pourrait trouver, en dehors du personnel consulaire américain, de candidat remplissant les conditions requises pour siéger comme juge-adjoint au Tribunal mixte. Il fait remarquer, au surplus, que, puisque les Etats-Unis ne prendront aucune part à l'administration de Tanger, et que le personnel de carrière du consulat général n'occupera, par suite, aucune fonction d'ordre administratif dans la zone, la confusion redoutée entre les pouvoirs administratif et judiciaire ne se produira pas.

Il faut reconnaître que les observations formulées par le Gouvernement des États-Unis au sujet de l'impossibilité matérielle où il se trouve d'observer les clauses de l'article 1" sont en grande partie fondées. Si, en effet, le Gouvernement fédéral désigne un fonctionnaire de son consulat, il se heurte à la disposition qui écarte du tribunal, comme juges-adjoints, les personnes exerçant une fonction publique. S'il veut désigner quelqu'un qui n'exerce pas de fonctions publiques, il ne trouve pas, en raison du petit nombre de ses ressortissants établis à Tanger, de candidat qualifié.

Pour sortir de ce cercle vicieux, le Gouvernement britannique propose, dans son mémorandum, que les trois Puissances signataires fassent une exception pour les Etats-Unis, en acceptant que le juge-adjoint américain soit choisi parmi le personnel consulaire américain de Tanger, à condition, toutefois, que cette concession exceptionnelle ait pour conséquence d'entraîner l'adhésion du Gouvernement américain au statut. Si cette adhésion n'était pas obtenue, malgré la concession effectuée, celle-ci serait naturellement retirée.

Le Gouvernement chérifien n'a pas de raison de se montrer moins libéral, en la matière, que le Gouvernement britannique. Il accepte donc la proposition de ce dernier comme étant le seul moyen de sortir d'une situation qui apparaît autrement sans issue. Il demande seulement, puisqu'on est obligé de faire appel au personnel consulaire américain, qu'il soit bien spécifié que le juge-adjoint américain sera choisi parmi le personnel de *carrière*, afin d'éviter l'intervention, dans l'administration de la justice, du personnel auxiliaire, trop mêlé aux affaires locales et dont l'indépendance, par suite, pourrait laisser à désirer.

3. Le Gouvernement des Etats-Unis désirerait savoir si les codes et règlements de Tanger ont été compilés et s'il sera mis en mesure de les examiner avant qu'ils soient mis en application.

Le Gouvernement fédéral n'ignore pas que ces codes et ces règlements sont le produit de la collaboration de jurisconsultes ou d'experts français, anglais et espagnols. Ils représentent, de l'avis de tous ceux qui les ont lus, un monument remarquable qui tient compte de l'état le plus récent de la législation. Le fait qu'ils sont le résultat des délibérations de jurisconsultes ou d'experts appartenant à trois pays différents, qui avaient, dans la question de Tanger, des intérêts plus ou moins divergents, constitue, semble-t-il, par lui-même une garantie suffisante d'impartialité. On peut donc être un peu surpris que le Gouvernement des Etats-Unis ne veuille pas s'en contenter et demande que les codes et règlements lui soient communiqués avant leur mise en application, ce que n'ont pas fait d'autres Puissances qui ont adhéré au statut, comme la Belgique et les Pays-Bas.

Néanmoins, désireux de donner une preuve de son esprit de conciliation, le Gouvernement chérifien ne voit pas d'inconvénient à accepter la proposition formulée dans le mémorandum britannique en vue de donner satisfaction sur ce point aux Etats-Unis. Il consent donc à ce que les trois Puissances signataires communiquent aussitôt que possible les codes et règlements de Tanger au Gouvernement des Etats-Unis, étant entendu que ces textes ne seront pas appliqués aux citoyens américains tant que le Gouvernement des Etats-Unis ne les aura pas acceptés.

4. Le Gouvernement fédéral désirait savoir si les agences diplomatiques à Tanger qui doivent être remplacées par des consulats, ainsi qu'il est prévu à l'article 49 de la convention, seront établies autre part au Maroc, et, dans la négative, comment seront assurées les relations diplomatiques avec le Gouvernement chérifien.

Les agences diplomatiques supprimées à Tanger ne seront pas établies dans une autre ville du Maroc. Les relations diplomatiques entre le Gouvernement des Etats-Unis et le Gouvernement chérifien seront assurées par l'intermédiaire du Gouvernement français, protecteur du Gouvernement chérifien, et du Commissaire Résident général de France au Maroc, dépositaire des pouvoirs du Gouvernement de la République dans l'Empire chérifien. La présence à Rabat d'un consul général des Etats-Unis permettra, en outre, au Gouvernement américain d'être en rapports directs avec le Commissaire Résident général de France, intermédiaire obligatoire dans les rapports des représentants étrangers avec le Gouvernement chérifien.

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Dans ces conditions, j'invite l'Ambassadeur de France à Londres à faire connaître l'accord de nos deux Gouvernements au Foreign Office, en priant celui-ci d'examiner la possibilité d'une démarche concertée qui serait effectuée à Washington par les représentants de la Grande-Bretagne, de la France et de l'Espagne à l'effet d'obtenir, le plus tôt possible, du Congrès des Etats-Unis, le vote d'une loi rendant applicable la Convention de Paris, du 18 décembre 1923, aux ressortissants américains.

Je demande, d'autre part, à l'Ambassadeur de la République à Madrid de faire une démarche analogue près du Directoire.

Agréez, &c.
HERRIOT.

[W 1352/18/28] No. 45.

The Marquess of Crewe to Mr. Austen Chamberlain.—(*Received February* 20.)

(No. 437.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note to M. Herriot respecting the adhesion of the Government of the United States to the Tangier Convention.

Paris, February 18, 1925.

Enclosure in No. 45.

The Marquess of Crewe to M. Herriot.

Paris, February 18, 1925.

M. le Président du Conseil,

IN your note of the 10th February your Excellency was so good as to inform me of the views of the Government of the Republic as to the reply to be returned to the memorandum of the 20th December, 1924, from the Government of the United States regarding the latter's adhesion to the Tangier Convention.

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to inform your Excellency that His Majesty's Government have learnt with much satisfaction that the Government of the Republic are in agreement with them on this matter. I am to add that His Majesty's Ambassador at Madrid is being instructed to concert with his French colleague in order to secure the consent of the Spanish Government to joint action by the Ambassadors of the three Powers at Washington.

I have, &c.
CREWE.

[W 3261/18/28] No. 46.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received April* 15.)

(No. 169.)

Madrid, April 10, 1925.

Sir,

I HAVE the honour to transmit herewith translation of a note from the Acting President of the Military Directorate in reply to the communication which I addressed to his Excellency in accordance with the instructions contained in your despatch No. 16 of the 12th January last. In this communication I forwarded a copy of the memorandum prepared at the Foreign Office and enclosed in that despatch, expressing the views of His Majesty's Government on a note from the United States Government on the subject of the accession of the United States to the Tangier Convention, and I asked for the early observations of the Spanish Government thereon.

As instructed in your despatch No. 91 of the 14th February, I addressed a further note to his Excellency on the 19th February, in concert with the French Ambassador, expressing the hope that the Spanish representative at Washington might be

authorised to take identic action with his British and French colleagues in approaching the United States Government on the subject of the convention.

It will be observed that the Spanish Government are in agreement with the views expressed by His Majesty's Government and the French Government in regard to the questions of the appointment of American associate judges and the communication to the United States Government of the codes and regulations, whilst, as regards the question of diplomatic representation, they suggest that a reserve should be made relative to the special position of the Spanish zone.

As regards the question of the assumption of responsibility for acts of the administrative authorities of the zone, Admiral Magaz expresses the view that this responsibility devolves upon all the signatories of the Paris Convention, and that it cannot be assumed by any one of them.

In this connection, it will be observed that his Excellency quotes me as saying that the French Government assume responsibility "in the name of the Shereefian Government." This appears to be due to some misunderstanding which I will endeavour to elucidate at the earliest opportunity, since I confined myself to forwarding to the Spanish Government a copy of the memorandum enclosed in your despatch No. 16 of the 12th January, in which it is suggested that such responsibility is assumed not on behalf of the Shereefian Government, but on behalf of the "Tangier Administration."

I am forwarding a copy of this despatch to His Majesty's consul-general at Tangier.

I have, &c.
HORACE RUMBOLD.

Enclosure in No. 46.

Marquess de Magaz to Sir H. Rumbold.

(Translation.)

Madrid, April 7, 1925.

Your Excellency,

I HAVE had the honour to receive your Excellency's note, in which you were so good as to enclose a memorandum setting forth the views of His Majesty's Government in regard to the last note addressed at Washington to the diplomatic representatives of the three Powers signatories to the Paris Convention in regard to the Tangier Statute. Under instructions from Mr. Chamberlain your Excellency was so good as to enquire the opinion of the Military Directorate on the various points dealt with in this memorandum. The Government of the French Republic, on their part—according to a note from Count Peretti della Rocca, which I have before me—shares the view of the Foreign Office on each of these points, and urge that concerted action should be taken as soon as possible at Washington by the Ambassadors of Spain, Great Britain and France, with a view to securing the definitive adhesion of that Government to the Tangier Statute.

I am, in the first place, happy to state that of the four points dealt with in the memorandum above mentioned, this Presidency shares the opinion of the Governments of Great Britain and France as regards those numbered 2 and 3; that is to say, the appointment of associate judges of American nationality on the Mixed Tribunal and communication to the Washington Cabinet of the legal texts to be applied in Tangier in accordance with the provisions of articles 32 and 35 of the convention.

In regard, therefore, to these points, His Majesty's Government agrees forthwith and with great pleasure to the proposal relative to the concerted action above mentioned.

As regards No. 4, this Presidency agrees that it should be replied to the Washington Cabinet that relations with the Shereefian Government should be maintained, as heretofore, through the consuls accredited at Rabat, the method to be followed for the maintenance of such relations being a matter to be dealt with by the American Government with the French Government. Some reserve should, however, be added in regard to the special position of the Spanish zone, in view of the fact that the agreements contained in articles 1 and 26 of the treaty of 1912, besides providing that the Khalif, in his capacity as delegate of the Imperial authority, shall maintain relations with foreign official agents, lay down that these relations shall be maintained through the High Commissioner. It must therefore be provided that either the American consul-general accredited at Tangier or a consular agent to be established some day at Tetuan may have official relations with the local

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authorities in matters susceptible of being dealt with in this manner, since for the rest article 5 of the Franco-Shereefian Treaty of 1912 has not been abrogated.

It may perhaps be sufficient merely to refer to the above-mentioned articles Nos. 1 and 26 of the Franco-Spanish Treaty of 1912. In any case, and as it concerns a situation of fact and right sanctioned by long practice and an international convention, this Presidency does not consider that there will be any great difficulty in finding a formula which will unify the points of view of the three Governments as regards this matter, and make it possible that the joint action above mentioned should cover this subject.

The Military Directorate regard as rather more delicate the question raised by the United States Government as regards the responsibility of the Tangier zone towards any claim which may eventually be presented by the United States or by the Government of any other country. From the replies made to Washington by the Governments of Great Britain and France, the American Secretary of State deduces that "the French Government, as the only intermediary of the Sultan of Morocco with foreign representatives and in the relations which these representatives have with the Shereefian Government, will assume full responsibility in the Tangier zone towards the United States or any other Government in so far as diplomatic questions are concerned." In the note addressed to His Majesty's Ambassador at Washington on this subject, it is added, however, that "it is not, however, entirely clear to this Government whether it is intended that the French Government should assume this responsibility or whether that Government is merely to act as the intermediary of the Moroccan Government in such matters."* In examining this matter in the memorandum of January, after recognising very clearly the difficulty presented for the solution of this question by the American decision not to participate in the Committee of Control, your Excellency reaches the conclusion that the Government of the French Republic in virtue of article 5 of the Franco-Moroccan Convention of the 30th May, 1912, assumes responsibility "in the name of the Shereefian Administration."

With all due consideration for the views of your Government—shared in this case by that of the French Republic—your Excellency must permit me to state that the above conception does not appear to me as clear as might be desirable on a matter of such importance.

In the name of the "Shereefian Administration" it does not appear that the Government of the French Republic or any other Government can assume the responsibility in question. The said Administration has declared itself irresponsible towards any claim which might be based on acts occurring in the Tangier zone. Your Excellency yourself is so good as to recall the terms of article 9 of the dahir relative to the Tangier Statute. It thus says in its second paragraph that "no responsibility can be imputed to our Shereefian Government as a result of claims based on acts which may occur in the Tangier zone as a result of the administration of the international organism."

His Majesty's Government is, therefore, inclined to believe that the expression "Shereefian Administration" employed in the British memorandum refers to the Tangier Administration, which should be more appropriately described as "international." The dahir itself, in article 9 above mentioned, describes it as "international organism entrusted . . . . with the administration of the Tangier zone."

And if this international organism is the only responsible one—in conjunction with the Committee of Control—for everything that occurs in the territory of Tangier, why should a single Government assume in its own name the responsibility which the Sultan himself has expressly desired to elude.

This responsibility, in the opinion of His Majesty's Government, once that of his Shereefian Majesty is set aside, forms part of those which, by the fact of defining and establishing a new and distinct régime for Tangier, the three Powers signatories of the Paris Convention will assume in the first instance. It is, indeed, a responsibility which can neither be evaded by any of the three Powers as though it constituted a voluntary obligation, nor assumed exclusively by any one of them, since none of them has a special or preponderant right to arrogate to itself the representation of the international organism on whom the administration of Tangier devolves.

The situation of the Tangier zone in this respect appears to His Majesty's Government to be precisely similar to that of its own zone of Moroccan Protectorate, in regard to which (see article 1 of the Franco-Spanish Convention) His Shereefian

* Note to Señor Riano, dated December 20, 1924.

Majesty had to decline all responsibility. In consequence thereof diplomatic representations and the responsibilities derived therefrom are substantiated and exacted respectively not before the Government of the French Republic—free and relieved from this charge—but before the Government of the King of Spain. What greater proof of the accuracy of this view than the procedure adopted in connection with the British claims in regard to Spanish Morocco? Why does the London Government address its claims to Spain instead of laying them before the Makhzen or before the Cabinet of the Republic? Simply as a result of the provisions of paragraph 8 of article 1 of the Franco-Spanish Convention of 1912, which is precisely analagous to article 9 of the dahir in regard to the Tangier Statute.*

The Military Directorate therefore considers that when with the assent of His Shereefian Majesty the three Governments of Spain, Great Britain and France undertook the task of endowing Tangier and its zone with a special régime, in the application of which they reserved to themselves a high mission of intervention, they assumed an initial responsibility and a series of eventual future responsibilities which cannot be renounced by any one of them, since they represent the ultimate consequences of a régime the paternity of which devolves almost entirely upon them Any other view would be equivalent to accepting from the statute that which interests and benefits, whilst rejecting that which might represent a burden.

His Majesty's Government, which I have the honour to represent, permit themselves to sum up their point of view on this particular, in the following conclusions:—

(*a.*) All responsibility derived from acts taking place within the territory of Tangier lies, in the first instance, with the international organism charged with the administration of the said zone.

(*b.*) In its default, the three Governments signatory of the Paris Convention will be subsidarily responsible during the currency of that agreement and its successive extensions, reserving to themselves the right to claim adequate redress from the Tangier Administration.

(*c.*) The Powers which adhere to the Paris Convention and agree to participate in the Committee of Control (by which the United States are excluded) will be invited, without obligation, to participate in the eventual responsibility referred to in the preceding clause.

Such, Mr. Ambassador, are the points of view of the Military Directorate in regard to the matters on which depends the adhesion—so sincerely desired by this Presidency—of the Government of the United States to the Tangier Statute.

I should be gratified to learn that they merit the honour of being taken into consideration both by His Britannic Majesty's Government and by the Government of the French Republic, to whom I am addressing myself in similar terms through their Ambassador at this Court.

Not doubting that the authorised intercession of your Excellency with your Government will assist in arriving within a short time at a complete agreement, which will permit the three Governments to take the friendly joint action referred to by Count Peretti della Rocca in his note on the subject, I avail, &c.

MARQUÉS DE MAGAZ.

[W 5126/18/28] No. 47.

The Marquess of Crewe to Mr. Austen Chamberlain.—(*Received June* 4.)

(No. 1273.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from the French Ministry for Foreign Affairs regarding the negotiations for the accession of the United States Government to the Tangier Convention.

Paris, June 3, 1925.

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* No responsibility can be imputed to the Shereefian Government for claims based on acts occurring under the administration of the Khalifa of the zone of Spanish influence.

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Enclosure 1 in No. 47.

M. Berthelot to the Marquess of Crewe.

M. l'Ambassadeur, *Paris, le 30 mai 1925.*

POUR faire suite à la note de mon Département en date du 28 avril dernier, j'ai l'honneur d'adresser ci-joint à votre Excellence un mémorandum où se trouvent exposé les arguments du Gouvernement français concernant le sens de la réponse à donner aux questions posées par le Gouvernement des États-Unis, en vue de l'adhésion éventuelle de celui-ci au Statut de Tanger.

Le Gouvernement de la République espère que le Gouvernement de Sa Majesté britannique, qui lui a déjà fait connaître son accord sur le principe de cette affaire, voudra bien lui prêter ses bons offices pour faire prévaloir son point de vue près du Directoire.

Veuillez, &c.
BERTHELOT.

Enclosure 2 in No. 47.

Memorandum.

LE Gouvernement espagnol est d'accord pour reconnaître que les relations du Gouvernement des États-Unis avec le Gouvernement chérifien seront assurées, après la suppression de l'agence diplomatique américaine de Tanger, par l'entremise du consulat général des États-Unis à Rabat. Il fait, cependant, certaines réserves, en ce qui concerne les relations des États-Unis avec la zone espagnole. Rappelant que le Khalifa doit, en sa qualité de délégué de l'autorité impériale en zone espagnole, être en relations avec les agents officiels étrangers et que lesdites relations doivent être assurées par l'entremise du Haut-Commissaire d'Espagne à Tétouan, le Gouvernement royal estime qu' "il convient de prévoir l'éventualité de l'entrée en relations officielles, soit du consul général américain accrédité à Tanger, soit d'un agent consulaire qui serait établi à Tétouan, avec les autorités locales, en vue de régler les affaires susceptibles de l'être par cette voie."

Cette demande du Gouvernement espagnol ne soulève, en principe, aucune objection de la part du Gouvernement de la République. Dans la pratique, d'ailleurs, les choses ne se passent pas autrement que le propose la note du président intérimaire du Directoire.

Il n'est question de rien changer à cette façon de procéder. C'est ainsi que si les États-Unis, après leur adhésion au Statut de Tanger, nomment un consul général à Tanger, avec circonscription consulaire s'étendant, en outre, à la zone espagnole, cet agent recevra son exequatur par dahir du Sultan, en ce qui concerne la zone de Tanger, mais il devra s'adresser aux autorités de Tétouan pour être autorisé à exercer ses fonctions consulaires dans la zone espagnole. Il en serait naturellement de même, c'est-à-dire que l'exequatur lui serait également accordé par les autorités de Tétouan, s'il s'agissait d'un agent consulaire américain établi dans cette dernière ville. L'un et l'autre de ces agents auraient, en outre, toute qualité pour traiter avec le Haut-Commissariat d'Espagne à Tétouan les affaires concernant les ressortissants ou les intérêts américains en zone espagnole.

2. Le Gouvernement espagnol estime que la responsabilité des actes de l'Administration de la zone de Tanger qui pourraient donner lieu, de la part des États-Unis ou d'un autre Gouvernement, à réclamation d'ordre diplomatique, incombe, non pas seulement à la France, ainsi qu'il était indiqué dans les notes remises par les Gouvernements français et britannique, mais aux trois Puissances signataires du Statut de Tanger, c'est-à-dire à la France, à la Grande-Bretagne et à l'Espagne.

Il y a lieu d'observer, tout d'abord, à ce sujet, que la thèse espagnole fait abstraction complète de l'article 5 de la convention du statut, qui est ainsi conçu : " La zone de Tanger dispose, par délégation de Sa Majesté chérifienne et sous réserve des exceptions prévues, des pouvoirs législatifs et administratifs les plus étendus. Cette délégation est permanente et générale, *sauf en matière diplomatique, où il n'est pas dérogé aux dispositions de l'article 5 du Traité de Protectorat du 30 mars* 1912." Il résulte nettement de cet article que le Sultan n'a entendu donner aucune délégation à l'Administration de la zone de Tanger en matière diplomatique, et qu'à cet égard il a voulu se référer purement et simplement à l'article 5 du Traité de Protectorat.

C'est donc, en définitive, à la France que les signataires du statut ont entendu laisser le soin de traiter les affaires diplomatiques intéressant la zone de Tanger. Cette interprétation se trouve encore confirmée si l'on rapproche l'article 5 de la convention du statut de l'article suivant, qui règle la question de la protection à l'étranger des sujets marocains de la zone de Tanger. Cet article est ainsi conçu : " A l'étranger, la protection des sujets marocains de la zone de Tanger et de leurs intérêts est confiée aux agents diplomatiques et consulaires de la République française, conformément aux dispositions de l'article 6 du Traité de Protectorat du 30 mars 1912."

Il y a là une preuve évidente de la situation particulière que les signataires du statut ont entendu reconnaître à la France, en matière diplomatique, à l'égard de la zone de Tanger. Le statut n'a pas prévu que la protection des sujets marocains à l'étranger serait confiée simultanément aux agents diplomatiques et consulaires de la France, de la Grande-Bretagne et de l'Espagne, mais il a reconnu compétence exclusive en cette matière des agents diplomatiques et consulaires français.

La responsabilité internationale de la France, pour la zone de Tanger, suit la protection diplomatique qui lui est reconnue par l'article 6 de la convention du 18 décembre 1923, l'article 9 du dahir, par lequel le Sultan décline toute responsabilité, du chef de l'administration de l'organisme international, n'a en effet de portée que dans l'ordre interne, puisque, aux termes du Traité de Protectorat, le Sultan a remis au représentant de la France l'exercice de tous ses droits dans l'ordre international.

Pour ce qui a trait, d'autre part, au point de vue pratique, il y a certainement tout intérêt à ce que, en cas de réclamation de caractère diplomatique, l'État réclamant se trouve en présence d'un seul Gouvernement. A quelles complications, en effet, ne risquerait-on pas de s'exposer si l'on admettait que l'État réclamant fût obligé de mettre en cause la responsabilité de trois Gouvernements? Et que penser, en outre, de la situation qui serait créée s'il était admis que chaque Puissance ayant adhéré au Statut de Tanger et ayant accepté de participer au Comité de Contrôle, puisse prendre sa part de responsabilité éventuelle dans les actes de l'Administration de Tanger?

En résumé, et pour les raisons qui précèdent, le Gouvernement de la République maintient la thèse qu'il a soutenue dès l'abord, à savoir, qu'en cas de réclamations diplomatiques motivées par des faits imputables à l'Administration de la zone de Tanger, le soin de répondre à ces requêtes incombe à la France en tant qu'État protecteur, et que c'est au Gouvernement français que les Puissances qui auraient quelque réclamation de cet ordre à formuler devraient, le cas échéant, s'adresser directement.

[W 5126/18/28] No. 48.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 323.)

Sir, *Foreign Office, June 13, 1925.*

WITH reference to my despatch No. 262 of the 6th ultimo, I transmit herewith a copy of a note from the French Government stating their views as to the reply to be sent to the Government of the United States regarding their accession to the Tangier Convention.*

2. I request that your Excellency will inform the Spanish Government that His Majesty's Government concur in the views expressed in the French note. I may add, for your information, that apart from any other consideration there appears to be no practical alternative but to accept the solution proposed by the French Government. The countries represented on the Committee of Control can scarcely be expected to accept joint responsibility; even if they were, it is unlikely that the United States Government would be satisfied with such an arrangement. The three signatory Governments cannot accept responsibility because His Majesty's Government are not prepared to do so. It is therefore obvious that one country must assume responsibility on behalf of the Tangier administration, and I consider that, for the reasons stated in their note, the claim of the French Government is justified.

I am, &c.
AUSTEN CHAMBERLAIN.

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* No. 47.

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[W 6115/18/28] No. 49.

Sir E. Howard to Mr. Austen Chamberlain.—(Received June 29.)

(No. 905.)

Sir, *Washington, June 19, 1925.*

I HAVE the honour to transmit to you copy of a note from the Department of State, dated the 18th June, respecting the United States Government's refusal to adhere to the Tangier Convention of the 18th December, 1923.

I have, &c.
(For the Ambassador),
H. G. CHILTON.

Enclosure in No. 49.

Mr. Kellogg to Mr. Chilton.

Sir, *Washington, June 18, 1925.*

I HAVE the honour to acknowledge the receipt of the Ambassador's note of the 1st June, 1925, in which, with reference to the convention signed the 18th December, 1923, regarding the Statute of Tangier, he informed me that His Majesty's Government had agreed with the French and Spanish Governments that, in order to bring an end to the state of uncertainty existing in the international zone of Tangier, the new Statute of Tangier should go into effect on the 1st June, 1925. The Ambassador expressed the hope that this Government, whose objection to adhering to the Tangier Convention, as expressed in Mr. Hughes's note of the 20th December last, did not appear to him to be of a fundamental character, would agree as to the necessity for establishing a settled régime in Tangier without further delay.

In reply, I beg to state that I find myself unable to acquiesce in the view that the points raised in Mr. Hughes's note of the 20th December, on which assurances of your Government and the Governments of France and Spain were requested, are not of a fundamental character.

I consider assurances on the points raised in that note and satisfactory response to the two questions stated in the penultimate paragraph thereof to be essential to further consideration by this Government of the possibility of suspending extra-territorial or other rights in Tangier.

In the absence of such assurances and response, I regret to have to inform you that I cannot acquiesce in the action which has been taken, and am under the necessity of making full reservation of all rights of this Government and its nationals, whether by virtue of custom or of conventional arrangement, which may be affected by any effort to bring into force the provisions of the convention of the 18th December, 1923.

Accept, &c.
FRANK B. KELLOGG.

(d.) Italy and the Tangier Convention.

[W 1318/18/28] No. 50.

M. de Fleuriau to Mr. Austen Chamberlain.—(Received February 18.)

LE Gouvernement italien paraît avoir posé les conditions suivantes à son adhésion au Statut de Tanger:

1. Transformation du consulat d'Italie à Tanger en consulat général. Pas d'objections de la part du Gouvernement français.
2. L'Italie demanderait que le titulaire de son consulat général fût un diplomate. Cette question concerne l'Italie, qui est libre de choisir comme elle l'entend son représentant à Tanger. Toutefois, il devra être bien entendu que le grade de cet agent dans la carrière diplomatique ne lui donnera aucune préséance sur ses collègues et ne lui permettra à aucun titre de prétendre à la qualité de doyen. Le représentant italien devra prendre rang au point

de vue de l'ancienneté, à la date de son arrivée dans le poste et jouir exactement des mêmes prérogatives, notamment au Comité de Contrôle, que ses collègues étrangers.
3. Le Gouvernement italien demanderait à avoir un officier attaché à son consulat général. M. Herriot ne voit pas d'inconvénient à accéder à cette requête, cet officier ne devant jouer qu'un rôle d'informateur à l'égard de son consulat, sans droit de participation aux inspections dévolues par l'article 3 du statut aux officiers des Puissances contractantes.

L'Ambassadeur de France a été chargé de demander à son Excellence le principal Secrétaire d'État de Sa Majesté pour les Affaires étrangères si le Gouvernement britannique ne verrait pas d'inconvénient à accorder ces concessions au Gouvernement italien pour hâter son adhésion au Statut de Tanger.

Ambassade de France, Londres,
le 17 février 1925.

[W 1318/18/28] No. 51.

Mr. Austen Chamberlain to M. de Fleuriau.

Your Excellency, *Foreign Office, February 20, 1925.*

IN your note of the 17th instant your Excellency was so good as to communicate the views of your Government in regard to the conditions on which the Italian Government appears to be ready to accede to the Tangier Convention.

2. I have the honour to inform you that His Majesty's Government entirely agree to all three conditions on the terms specified in your note.

I have, &c.
AUSTEN CHAMBERLAIN.

[W 3445/18/28] No. 52.

Sir R. Graham to Mr. Austen Chamberlain.—(Received April 20.)

(No. 324.)

Sir, *Rome, April 17, 1925.*

I HAVE the honour to report that, after communicating with my French colleague, I carried out this morning the instruction conveyed to me in your telegram No. 105 of the 15th instant, on the subject of the Tangier Convention. I called at the French Embassy and the French Ambassador communicated to me the text of the note which the Spanish Government have addressed to the British, French and Italian Ambassadors at Madrid, and also the substance of the instructions which he had received from M. Herriot.

When, towards the end of March, the Spanish Ambassador had received the necessary instructions to join with his French and British colleagues in addressing an identic communication to the Italian Government, the three of us met together at this Embassy to discuss the course to be pursued. It was decided that as a preliminary step and before presenting our identic note, the French Ambassador, on behalf of the three of us, should sound Senator Contarini to make certain that in return for the three concessions offered, Italy would adhere to the convention. M. Besnard reported to us that Senator Contarini appeared prepared to agree, but had attached importance to the formula in which the concessions would be proposed. He desired some reference to be made to the special interests of Italy in the Mediterranean. M. Besnard at once told him that there was no prospect of the three Powers agreeing to such a proposal, but he gathered from the Senator that the Italian Government would be satisfied if our joint note declared that the concessions were offered as an act of friendship and contained a reference to the geographical situation of Italy. I at once asked your instructions as to whether you saw any objection to such a formula, and you replied in the negative. The French Government have, however, instructed M. Besnard that they are unable to agree to any mention of the geographical position of Italy in our note.

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The matter then appeared to hang fire for a few days, and I saw my Spanish colleague on the subject. The Conte de la Vinaza, with some air of mystery, told me that he thought our French colleague was too sanguine as regarded the attitude of the Italian Government, and that the latter would never be content with the three concessions offered to them. I asked him why, and he said that he could tell me no more for the moment, but promised to give me further information as soon aspossible.

It now appears that the Conte de la Vinaza, who is of a kindly disposition and particularly anxious to ingratiate himself with the Italians, had allowed the latter to inveigle him into accepting unofficially and forwarding to his Government Italian proposals for a number of further concessions on the lines of last August. The Spanish Government have, moreover, accepted these proposals in a sympathetic spirit.

The French Ambassador and myself left for Milan a week ago, in order to attend the International Fair. But just before leaving M. Besnard saw Senator Contarini in order to obtain a definite Italian reply, and found that the Senator had considerably changed his attitude since the previous interview. It seemed that the Italian Government were by no means eager to accept a settlement on the lines we had originally proposed, and demanded fresh concessions. M. Besnard was at the moment at some loss to explain this change of attitude, the reasons for which are now abundantly clear.

The French Ambassador considers, and I agree, that the Spanish proceedings have prejudiced the negotiation and that the Italian Government, counting on Spanish support, will no longer be willing to adhere to the Tangier Convention in return for the three concessions originally offered. M. Besnard has recommended to his Government that it would be a mistake to appear over eager in the matter, which should be allowed to drop for the present as there is no immediate chance, and might be a better one later of securing Italian adherence to the convention after a brief space of time has elapsed. I am inclined to concur, but only with the proviso that it is at once made perfectly clear to the Italian Government, to the Spanish Government and to my Spanish colleague here that there is no prospect whatever of Italy obtaining any further concessions than the three which were originally offered.

I have, &c.
R. GRAHAM.

[W 3445/18/28] No. 53.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 1486.)

My Lord, *Foreign Office, April 29, 1925.*

I TRANSMIT herewith a copy of correspondence with His Majesty's Ambassador at Rome on the subject of the accession of Italy to the Tangier Convention.

2. My telegram No. 105 to Sir R. Graham was sent at the request of the French Ambassador in London, and the Spanish note referred to therein is that forwarded to you in my despatch No. 1128 of the 1st instant. It is clear from Sir R. Graham's reply that the suspicions of the French Government were not unfounded and that the untimely and entirely unnecessary intervention of the Spanish Government had destroyed, for the time being, any chance there may have been of inducing the Italian Government to accede on reasonable terms.

3. In the circumstances, I agree that the best course will be to allow the question to drop for the present, and to take no action beyond intimating clearly to the Italian Government that there is no prospect of their obtaining any further concessions than the three already offered. Before instructing His Majesty's Ambassador at Rome in this sense, I shall be glad to learn whether the French Government concur.

4. The only possibility of terminating the present deadlock seems to lie in submitting to arbitration the Franco-Italian Declaration of 1912. Your Lordship will remember that under instructions contained in my predecessor's despatch No. 2576 of the 13th August last, you put forward the proposal to the French Government, who, somewhat disingenuously, replied that they had no objection to His Majesty's Government suggesting arbitration to the Italian Ambassador in London. As the negotiations had not then reached a definite deadlock, it was not thought worth while to pursue the discussion, and to point out to the French Government that, since the question to be arbitrated is the interpretation of a Franco-Italian treaty, a demand for arbitration must come from the French Government and not from His Majesty's Government. The

present, however, seems an opportune moment to revert to the matter, and I request that you will enquire once more of the French Government whether they are prepared to demand that the interpretation of the Franco-Italian declaration should be referred to arbitration.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 4237/18/28] No. 54.

The Marquess of Crewe to Mr. Austen Chamberlain.—(*Received May* 13.)

(No. 1119.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith copy of a note from M. Briand respecting the accession of Italy to the Tangier Statute.

Paris, May 12, 1925.

Enclosure in No. 54.

M. Briand to the Marquess of Crewe.

Paris, le 11 *mai* 1925.

M. l'Ambassadeur,

PAR votre lettre du 1er mai, relative aux négociations poursuivies à Rome en vue d'obtenir l'adhésion de l'Italie au Statut de Tanger, vous avez bien voulu me faire connaître que le Gouvernement britannique estimait, en présence des nouvelles demandes formulées par l'Italie, que le mieux serait, aujourd'hui, de laisser tomber la négociation après avoir fait connaître au Cabinet de Rome qu'il ne saurait espérer obtenir d'autres concessions que les trois qui lui ont été déjà offertes et qui se trouvent énumérées dans la note adressée au Foreign Office par l'Ambassade de France à Londres le 17 février dernier.

En réponse à cette communication, je m'empresse de vous faire connaître que le Gouvernement français est prêt, de son côté, à faire une communication identique au Gouvernement italien.

Vous référant, en outre, à l'accord franco-italien de 1912, aux termes duquel, en échange du désintéressement de la France touchant la Libye, le Gouvernement italien prenait un engagement analogue touchant le Maroc, vous me demandez si le Gouvernement français envisagerait la possibilité de soumettre à l'arbitrage l'interprétation de cet accord en vue d'amener le Cabinet italien à donner, sans plus de délai, son adhésion au Statut de Tanger.

Le Gouvernement français a pu, comme vous le rappelez, envisager une telle possibilité alors qu'il pouvait craindre que l'Italie s'opposât formellement à la mise en vigueur du statut par les principales Puissances intéressées. En réalité, l'Italie ne s'est pas engagée dans cette voie, et n'a fait, à aucun moment, connaître qu'elle prendrait une telle attitude. Elle a simplement réservé son adhésion, espérant, avec l'appui moral du Gouvernement espagnol, obtenir des conditions plus favorables que celles qui lui ont été offertes, d'un commun accord, par nos Gouvernements respectifs.

Le Gouvernement français n'a pas manqué de faire état auprès du Cabinet de Rome des droits spéciaux qu'il tient de la déclaration italienne de 1912, qui ne faisait, d'ailleurs, que confirmer des accords antérieurs signés en 1900 et en 1902. Mais le Gouvernement italien a cru que rien ne l'empêchait de poursuivre la conversation aussi longtemps que le Gouvernement espagnol lui-même, bien que signataire de l'accord tripartite de 1923, différait, par ses réserves, la mise en vigueur du Statut de Tanger.

Le Gouvernement français n'estime donc pas que dans les circonstances actuelles il serait opportun qu'il prît l'initiative de proposer à l'Italie de soumettre la question à l'arbitrage. Il y a lieu d'espérer que, lorsque, avec l'assentiment complet de l'Espagne, le Statut de Tanger aura pu être mis en vigueur, l'Italie examinera sous un jour nouveau la question de sa propre adhésion et que les trois Puissances principales intéressées n'auront pas, en définitive, à agir différemment vis-à-vis de l'Italie que vis-à-vis des États-Unis et du Portugal qui, pour d'autres raisons, n'ont pas encore donné leur assentiment formel à la mise en vigueur du Statut de Tanger.

Veuillez, &c.
A. BRIAND.

[W 4237/18/28] No. 55.

Mr. Austen Chamberlain to Sir R. Graham (Rome).

(No. 685.)

Sir, *Foreign Office, May* 18, 1925.

WITH reference to your Excellency's despatch No. 324 of the 17th ultimo, I transmit herewith a copy of correspondence with His Majesty's Ambassador at Paris on the subject of the accession of Italy to the Tangier Convention.

2. I request that you will concert with your French colleague in intimating to the Italian Government that His Majesty's Government and the French Government can hold out no prospect of being able to make any further concessions than the three already offered in return for Italy's accession.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 5583/18/28] No. 56.

Sir R. Graham to Mr. Austen Chamberlain.—(Received June 15.)

(No. 500.)

Sir, *Rome, June* 12, 1925.

I HAVE the honour to acknowledge your despatch No. 685 of the 18th ultimo on the subject of the accession of Italy to the Tangier Convention.

2. This despatch reached me on the 28th ultimo, but I was unable to carry out until the 9th instant the instructions contained in it to inform the Italian Government that the British and French Governments could hold out no prospect of being able to make further concessions than the three already offered in return for Italy's accession. My French colleague had left for Paris, and the Chargé d'Affaires had no special instructions on the subject, but he believed that his Ambassador had already spoken to Senator Contarini in the sense desired. This proved to be the case, and I undertook to make a similar verbal communication. But I considered that it should only be addressed either to the President of the Council or to the secretary-general. I was unable to obtain access to the former owing to his absence at D'Annunzio's villa and his numerous engagements, while the Senator was also away through illness, and has only just returned to his duties.

3. I saw Senator Contarini on the 9th and spoke to him in accordance with your instructions. I said that I hoped that the Italian Government would content themselves with the three concessions offered, and would accede to the convention. The Senator replied that the French attitude was less intransigent than ours, and that conversations were now in progress in Paris between M. Berthelot and the Italian Ambassador on the subject.

4. The French Ambassador, who returned from Paris last night, came to see me this morning, and I told him what Senator Contarini had said. M. Bésnard declared that there was not the least foundation for any Italian idea that the French Government had weakened on this question. On the contrary, M. Berthelot had told Baron Romano Avezzano categorically and even curtly that the French Government would not go a step further than the three concessions. I hope to see Senator Contarini this evening, and will not fail to call his attention to the discrepancy. The fact is that Italian Ambassadors abroad are so apprehensive of the effect of conveying any disagreeable message or negative reply to Signor Mussolini that they often avoid doing so by not reporting at all.

I have, &c.
R. GRAHAM.

(e.) Effect of the Tangier Convention on System of Protection.

[W 2647/2647/28] No. 57.

Consul-General Clive to Mr. Austen Chamberlain.—(Received March 25.)

(No. 77.)

Sir, *Tangier, March* 12, 1925.

IN view of the probability that the Tangier Statute will be brought into force in the near future, and as article 13 of the convention lays down that the existing lists of protected persons shall be revised within a period not exceeding six months from the date of its entry into force, I venture to request that I may be furnished with your views as to the future status of ex-Tangier British-protected persons in the French and Spanish zones.

The revision of the British lists is now practically finished, and the only really important point outstanding is that referred to above.

The idea in the mind of the authorities of the French protectorate is that such persons will become justiciable before the French courts in their zone, and they may be expected to oppose a solution by which these ex-protected persons shall continue under the jurisdiction of the British consular courts. On the other hand, consideration must, I think, be given in the case of ex-semsars to the probable objection to the French contention on the part of the British firms whose agents they are in Morocco.

A semsar's certificate carries with it protection throughout the whole country, and is not limited to the district in which it is issued only Thus British semsars in the Tangier zone fall under consular jurisdiction in the French and Spanish zones.

Were the assumption of the authorities of the French protectorate admitted, these ex-protégés would lose what they undoubtedly consider to be a privilege and an advantage. Their principals would probably support them in pressing their views from fear that the loss of protection or, as they may consider it, the loss of control would entail a diminution of security for the interests they have in the semsar's hands. Such fear may or may not be warranted, but should the ex-semsars put forward that argument, it would certainly carry considerable weight with the British firms interested.

I am induced to put forward these considerations as I see that in Mr. MacDonald's despatch No. 2018 of the 20th June, 1924, addressed to His Majesty's Embassy in Paris, it is stated that since the Dutch have not given up their capitulatory rights in the Spanish zone, a Dutch protégé of that zone would be justiciable before the Mixed Tribunal at Tangier, whilst a Dutch ex-protégé of Tangier would in the Spanish zone be justiciable before the Dutch consular court.

This procedure will, I presume, be followed by us as regards the Spanish zone, but I am not sure that it is the intention that it should be followed in the French zone, although conditions so far as we are concerned are identical in both, in that we still enjoy the Capitulations in both.

Beyond the reasons outlined above, the question has a political aspect (1) in that, should the French thesis be accepted as regards their zone and not be put into practice in the Spanish zone, it would certainly give offence to Spain; (2) in its general bearing on the question of the Capitulations in so far as it is at variance with the principle that a protected person enjoys protection throughout Morocco, and not only in the district in which his certificate is issued.

M. Rageot, an official of the Residency-General, who is at present in Tangier in connection with the revision of the protection lists of the other Powers who have acceded to the Tangier Convention, accepts that theory. You may, therefore, so long as we maintain our capitulatory rights, consider it inadvisable to admit that the abolition of the system of protection in the Tangier zone automatically cancels those protections in the French zone and brings the holders under the jurisdiction of the French courts. That arrangement is comprehensible in the case of Dutch protégés and those of the other Powers who have renounced their capitulatory rights, but the Powers who have not abandoned those rights are, I submit, on a different plane.

There is one objection I see. It is that protection by semsar certificate is liable to be withdrawn at any moment, and although it is probable that many of the present holders will continue to hold them during their lifetime, there are undoubtedly others from whom in the course of time they would be withdrawn for one reason or another.

If, therefore, they are held to be justiciable before the British consular courts in the two other zones, they will continue to enjoy that privilege irrespective of their utility to British trade during their lifetime, or until such time as the Capitulations are renounced.

I have, &c.
R. H. CLIVE.

(f.) Report on Heads of Foreign Missions.

[**W 4284/4284/28**] No. 58.

Consul-General Clive to Mr. Austen Chamberlain.—(Received May 14.)

(No. 137. Confidential.)

Sir, *Tangier, May 7, 1925.*

ALTHOUGH strictly speaking the foreign representatives have been reduced to two in number, the diplomatic agents of Italy and Portugal, it may be of interest if I send a short appreciation of my colleagues, especially those who form part of the Committee of Control.

Portugal.

M. Ferreira became so-called doyen of the Diplomatic Body on the departure last year of M. Serrat, the Spanish diplomatic agent. If and when Portugal adheres to the Tangier Convention, M. Ferreira is quite ready to drop the rank of diplomatic agent and become simply consul-general, if his Government will appoint him. He has been eight years at Tangier, and only wishes to remain. A pleasant elderly bachelor who may be counted on to take the line of least resistance should he ever join the Committee of Control. His instructions are to work in with this consulate-general.

Italy.

M. Borghetti arrived in Tangier last summer as diplomatic agent. He had previously been Italian Minister in Siam. With a loud laugh and a flamboyant manner, M. Borghetti poses as a *bon garçon*. He cannot, however, be classed with the better type of Italian diplomat. At the same time I do not believe him to be an intriguer or out to make trouble, and I should say he has much more sympathy with Great Britain than with France, whom alone he blames for the "mistake" of not including Italy in the Tangier negotiations. His position is not an easy one, and will be less so when the statute is in force and Italy remains outside. He is unmarried and speaks English well.

United States.

Are only represented by a Chargé d'Affaires, Mr. Rand, who joined the State Department after the war. Mr. Rand, who is about 36, spent his early years farming in California. This is his first post abroad. Neither he nor his wife enjoys good health, but they are a very agreeable couple and well liked. Mr. Rand, though having but little to do, takes an intelligent interest in the statute, but frankly admits that most Senators could not find Tangier on the map. He is not therefore very optimistic about the prospect of an early settlement.

Committee of Control: Consuls-General.

Belgium.

M. Watteeuw, who only arrived in Tangier in February, is none the less the first president of the Committee of Control. He was elected *in absentiâ* through his vice-consul drawing the lucky number. The position gives M. Watteeuw immense satisfaction, and I understand he has extracted from his Government an extra allowance in compensation for his heavy responsibilities. He does in fact preside quite competently, though apt to irritate my French colleague, who, being a busy man, wants to get on with the job and not waste time over trivialities. M. Watteeuw served all through the war as consul-general at Sydney, where he tells me he made many friends. He talks excellent English, and is a cheery soul, though I am afraid he has acquired an excessive liking for whisky. I should very much doubt the French being able to count on his vote.

Spain.

M. Buigas y Damlau is an old hand in Morocco, having served before the days of the protectorate at Mogador, and later in the secretariat of the High Commission at Tetuan. Before coming to Tangier he was for several years consul-general at Havana. There is something very attractive about M. Buigas, who, besides being intelligent, has a keen sense of humour. Everybody likes him. He is too sensible to be unduly touchy, though he sometimes complains to me about the tactlessness of the French over the question of the Spanish language. The French are too apt to assume that the French language is the only one that counts in Tangier, whereas in reality Spanish is the most widely spoken and has equal vitality under the statute. M. Buigas has no intention of yielding on any of the Spanish rights, and I have always been ready to support him in these matters. He is on the best terms with our French colleague, and I consider we are extremely lucky in having M. Buigas as Spanish consul-general. His first post was that of vice-consul at Newcastle, and he talks excellent English.

France.

M. Feit arrived here in August last year. After spending ten years in China in the French consular service he was employed for a further ten years under the Protectorate Administration at Oujda, in charge of that large province of Morocco that forms the frontier with Algeria. M. Feit is a charming man and one of the most broad-minded French officials that I have met, and I have every reason to believe that he is absolutely straight. He has been extraordinarily frank in deploring the tactlessness of M. Alberge, the administrator, and has, I think, too much character ever to be the unwilling tool of the Protectorate Government. That he is anxious to maintain the very strong French position in Tangier and to allow nothing to be done to undermine it is but natural, but both my Spanish colleague and I have always found him reasonable and open to argument, and he is certainly an agreeable colleague to work with. He is married, and both he and his wife can speak fairly good English.

Holland.

M. G rth van Wijk is a sound and friendly colleague with no *parti pris* for any of the three principal Powers of Tangier. He will probably adopt the line he believes to be right when it comes to a vote in the Committee of Control, and I should doubt his being much influenced by specious arguments on any question. It was for that reason that I proposed his representing the committee on the Port Commission. Like most Dutchmen, he talks a number of languages fluently. He arrived in January, and was for many years Dutch consul in Moscow and St. Petersburgh, until on the outbreak of the revolution he was transferred to Zürich. He is married to a lady of Italian origin but Dutch appearance.

I have, &c.
R. H. CLIVE.

CHAPTER III.—FRENCH ZONE.

(a.) The Capitulations.

[W 381/13/28] No. 59

British Merchants' Morocco Association to Foreign Office.—(Received January 15.)

Sir, 37, *Gracechurch Street, London, January* 14, 1925.

CAPITULATIONS in the French zone of Morocco.

Your letter of the 6th instant* was submitted to the council of this association at their meeting held yesterday, and I am desired to thank you for the assurance that the views of the association will be taken into account by Mr. Chamberlain in considering the question of the renunciation of the British Capitulations.

If the council could be assured that no decision involving a change will be taken without suitable further opportunity being given to them to take such action as may be open to them in protection of their interests, they will not press for a deputation to be received at this juncture.

The question, however, is one of such vital importance that they feel it absolutely essential that they should be in a position to consult their members before the question of the Capitulations is decided, and I am to beg respectfully that this association may have your assurance that if, and when, the subject is raised in such manner as to render it urgent the council will be informed.

I am, &c.
M. B. MILNE, *Secretary.*

[W 381/13/28] No. 60.

Foreign Office to British Merchants' Morocco Association.

Sir, *Foreign Office, January* 21, 1925.

I AM directed by Mr. Secretary Chamberlain to acknowledge the receipt of your letter of the 14th instant on the subject of the British Capitulations in the French zone of Morocco.

2. The Secretary of State fully appreciates the desire of your council to obtain early information of any impending change in the status of British subjects in Morocco, and he is prepared to repeat the assurance given in the letter from this Department of the 25th November last that, in the event of His Majesty's Government deciding to accede to the request of the French Government to renounce the British Capitulations in the French zone, the longest possible notice will be given to your association before any definite step is taken.

I am, &c.
G. H. VILLIERS.

[W 898/13/28] No. 61.

Note communicated by French Ambassador.

PAR lettre en date du 15 mai dernier, le Comte de Saint-Aulaire avait appelé l'attention du Gouvernement britannique sur la question de la suppression des Capitulations dans la zone française de l'Empire chérifien, à la suite du règlement satisfaisant de la question de Tanger.

Ce règlement étant acquis et le nouveau statut de Tanger étant sur le point d'être appliqué, le Gouvernement français pense que le moment est venu de prendre les mesures nécessaires pour supprimer ces Capitulations dans la zone française du Maroc.

Ambassade de France, Londres,
le 4 février 1925.

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* Not printed.

[W 898/13/28] No. 62.

Mr. Austen Chamberlain to the Marquess of Crewe (Paris).

(No. 533.)

My Lord, *Foreign Office, February* 12, 1925.

WITH reference to my despatch No. 1926 of the 12th June, 1924, I transmit herewith a copy of a note in which the French Ambassador renews the proposal of the French Government that His Majesty's Government should now abandon their capitulatory rights in the French zone of Morocco.

2. I request that your Lordship will communicate to the French Government the enclosed memorandum on this subject.

I am, &c.
AUSTEN CHAMBERLAIN.

Enclosure in No. 62.

Memorandum.

THE French Ambassador in London has recently called the attention of His Majesty's Government to his predecessor's note of the 15th May last, in which it was suggested that upon the establishment of the new régime at Tangier His Majesty's Government should abandon their capitulatory rights in the French zone of Morocco.

2. In the memorandum which His Majesty's Chargé d'Affaires at Paris had the honour to communicate to the French Government in June 1922 His Majesty's Government set forth the reasons for which they were unable to accept M. Poincaré's contention that they were bound under the terms of the Franco-German Convention of 1911 to surrender their Capitulations in Morocco. In that memorandum they explained that the question of British capitulatory rights in Morocco was by the Anglo-French Declaration of 1904 linked with that of French capitulatory rights in Egypt, and that a prolonged negotiation had taken place between London and Paris for a convention to effect a settlement of this double question. The negotiation failed; and since then the whole situation has been fundamentally altered by the abandonment of the British protectorate over Egypt and the declaration, subject to specific reservations, of Egyptian independence. With this has disappeared the whole scheme for the abolition of Capitulations in Egypt, on the realisation of which depended the withdrawal of British consular jurisdiction in Morocco. In these circumstances it is clear that if His Majesty's Government are to make now this important concession to France some fresh basis of agreement must be found to take the place of the counter-part of the withdrawal of French consular jurisdiction in Egypt, which is no longer, or at least is not at present, a realisable contingency.

3. His Majesty's Government are willing to study this question in its new aspect, and they will in due course communicate their views to the French Government. Necessarily, however a little time must elapse before they will be in a position to do so.

Foreign Office, February 12, 1925.

[W 2877/13/28] No. 63.

The Marquess of Crewe to Mr. Austen Chamberlain.—(Received April 2.)

(No. 784.)

HIS Majesty's representative at Paris presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to transmit herewith a copy of a note from the Minister for Foreign Affairs, dated the 31st March, respecting the suppression of British Capitulations in the French zone of Morocco.

Paris, April 1, 1925.

Enclosure in No. 63.

M. Herriot to the Marquess of Crewe.

M. l'Ambassadeur, *Paris, le* 31 *mars* 1925.

PAR une lettre en date du 16 février dernier, votre Excellence a bien voulu me faire parvenir un mémorandum dans lequel le Gouvernement de Sa Majesté britannique, saisi par l'Ambassadeur de la République à Londres de la question de la suppression des Capitulations britanniques dans la zone française de l'Empire chérifien, déclare ne pouvoir accepter la suppression des privilèges judiciaires de la Grande-Bretagne au Maroc, sans une compensation nouvelle, destinée à remplacer celle qui, dans les vues primitives du Gouvernement de Sa Majesté, devait y correspondre en Égypte, à savoir, l'abandon par la France de ses privilèges judiciaires dans ce pays.

J'ai l'honneur de vous faire savoir qu'il existe, à ce sujet, entre les deux Gouvernements, une divergence de vues qui, je l'espère, disparaîtra, lorsque M. de Fleuriau aura, comme je l'y invite, exposé au Foreign Office la manière dont le Gouvernement de la République envisage cette question.

Veuillez, &c.
E. HERRIOT.

[**W 3241/13/28**] No. 64.

Memorandum communicated by M. de Fleuriau.—(Received in Foreign Office, April 10.)

AUX termes d'un mémorandum du Foreign Office, en date du 13 février dernier, transmis au Ministère des Affaires étrangères par l'Ambassade de Grande-Bretagne à Paris, le Gouvernement de Sa Majesté britannique déclare ne pouvoir accepter la suppression des privilèges judiciaires de la Grande-Bretagne au Maroc, sans une compensation nouvelle, substituée à celle qui, dans les vues primitives du Gouvernement britannique, devait y correspondre en Égypte, c'est-à-dire l'abandon par la France de ses privilèges judiciaires dans ce pays, abandon qui n'est plus actuellement réalisable, en raison de l'extinction du protectorat anglais sur l'Égypte et de la déclaration, sous réserves, de l'indépendance de ce pays.

Pour se dégager de l'obligation de reconnaître, dans la zone française de l'Empire chérifien, les tribunaux français du protectorat, la Grande-Bretagne excipe du fait qu'ayant, le 28 février 1922, mis fin à son protectorat sur l'Égypte, l'engagement qu'elle avait pris au regard de la France au Maroc n'a plus de contre-partie, de sorte que, libérée de son engagement, la Grande-Bretagne aurait droit, pour faire renaître l'engagement dont il s'agit, de demander, en échange, au Maroc ou ailleurs un nouvel avantage.

Le Gouvernement français a été surpris de cette prétention toute nouvelle pour lui. Il rappelle que le protectorat britannique sur l'Égypte n'existait ni lors de la conclusion de l'accord de 1904, ni lors de l'adhésion du Gouvernement britannique à l'Arrangement franco-allemand du 4 novembre 1911; il rappelle également que, si les tribunaux britanniques de la zone française du Maroc ne furent pas supprimés pendant l'existence du protectorat britannique sur l'Égypte, ce fut en raison des lenteurs apportées en dehors de lui au règlement de la question de Tanger et qu'il avait pris soin de mentionner la suppression de la juridiction britannique au Maroc en prenant acte, le 22 mars 1922, de la notification par la Grande-Bretagne de la suppression de son protectorat sur l'Égypte. Aussi, lui est-il impossible d'admettre le bien-fondé de la thèse soutenue par le mémorandum britannique du 13 février dernier.

La nature même du protectorat établi au Maroc implique l'extinction des privilèges capitulaires. En effet, il ressort expressément du texte de l'Accord franco-allemand du 4 novembre 1911, précisé par la lettre explicative de M. Kiderlen-Waechter à M. Cambon, que la Grande-Bretagne, devenue, par son accession en date du 14 novembre 1911, partie à cet accord, doit fermer ses tribunaux consulaires au Maroc dès l'entrée en vigueur d'un régime judiciaire inspiré de la législation des Puissances intéressées et dès l'acceptation de ce régime par les autres Puissances, par conséquent, sans attendre que la France ait renoncé à ses prérogatives judiciaires en Égypte. D'autre part, c'est le cas de citer l'adage: Nul ne pouvant se créer de titres à soi-même ne peut se délier d'un engagement en invoquant uniquement son

propre fait. Or, la déclaration faite, d'ailleurs sous réserve, de l'indépendance de l'Égypte n'est pas une déclaration unilatérale de l'Égypte, mais une déclaration unilatérale de la Grande-Bretagne à l'Égypte. Quand donc le Gouvernement britannique excipe de cette déclaration pour se délier d'engagements pris par lui au regard de la France au Maroc, en termes généraux, le 8 avril 1904 et, d'une manière précise, en ce qui concerne l'organisation judiciaire, le 14 novembre 1911, il se prévaut de son propre fait pour se refuser à l'exécution d'un engagement antérieur faute d'une contre-partie que, usant des droits à lui reconnus par l'accord du 8 avril 1904, il a supprimée lui-même.

Le Gouvernement français a tenu à indiquer brièvement au Gouvernement britannique les raisons sur lesquelles est fondée sa demande, qu'il renouvelle ici, de la suppression des tribunaux britanniques dans la zone française de l'Empire chérifien. Il ne doit pas dissimuler que, si le Gouvernement britannique refusait d'accéder à sa requête et maintenait la thèse exposée par son mémorandum du 13 février dernier, le Gouvernement français estimerait nécessaire de recourir à l'arbitrage pour trancher ce différend. Mais il espère que le Gouvernement britannique reconnaîtra le bien-fondé de la demande française après un nouvel examen de la question.

Ambassade de France, Londres,
le 8 *avril* 1925.

[**W 3241/13/28**] No. 65.

Mr. Austen Chamberlain to M. de Fleuriau.

Your Excellency, *Foreign Office, April* 30, 1925.

IN the memorandum communicated by your Excellency on the 10th instant, the French Government, after putting forward the grounds on which they consider themselves justified in demanding the immediate surrender without countercession of British capitulatory rights in the French zone of Morocco, continue to state that should His Majesty's Government feel unable to accede to their request they will be obliged to have recourse to arbitration.

2. After a most careful re-examination of the whole question in the light of the memorandum communicated by the French Government, His Majesty's Government remain of the opinion that they are under no treaty obligation to agree to the immediate surrender of their capitulatory rights in the French zone of Morocco. In the circumstances they concur that the best solution of the question, which is purely one of treaty interpretation, is to refer it to international arbitration.

I have, &c.
AUSTEN CHAMBERLAIN.

(b.) Miscellaneous.

[**W 627/627/28**] No. 66.

Department of Overseas Trade to Foreign Office.—(Received January 24.)

THE Comptroller-General of the Department of Overseas Trade presents his compliments to the Under-Secretary of State for Foreign Affairs and transmits herewith copy of a despatch from His Majesty's consul at Casablanca respecting finance in the French zone of Morocco.

Department of Overseas Trade,
35, *Old Queen Street, London,*
January 23, 1925.

Enclosure in No. 66.

Consul Selous to Department of Overseas Trade.

(No. 67 O.T.)

Casablanca, December 24, 1924.

Sir,

AS is well known to you, the administration of the French protectorate of Morocco is open to one serious criticism, and that is in respect of the financial policy which it has been found necessary to pursue in order to develop this young protectorate with all possible rapidity.

2. Born in 1912, the Protectorate Government have in the course of twelve years created ports, roads, railways, and aerodromes, and built multitudinous and imposing public buildings, such as hospitals, law courts, post offices, theatres, slaughter houses, barracks, residences, governmental and administrative offices—at a price. This price is illustrated by four tables which I have the honour to enclose herewith, the first two, Tables (A) and (B), showing the rapid growth of the Public Debt, the third Table (C), giving the annual budgets of the protectorate during the last decade, *i.e.*, from 1915 to 1924, and the fourth Table (D), setting forth the annual municipal budgets.

3. Previous to the 30th March, 1912, date upon which the Shereefian Government signed the Protectorate Treaty with the French Government, Morocco's Public Debt consisted of the 1904 and 1910 5 per cent. loans, amounting, together to 163,624,000 fr. To-day, the direct authorised Public Debt amounts to 1,149,764,000 fr., of which 705,624,000 fr. have been issued so far. In addition to this, the Shereefian Government have guaranteed, as reference to Table (B) will show, further loans to a total of 578,350,000 fr., upon 174,000,000 fr., of which they find the annual interest amounting to 10,200,000 fr. Furthermore, the last two items on Table (B), amounting to 396,500,000 fr., represent the first two slices of a loan of 960,000,000 fr., which the Moroccan Railway Company has been authorised to issue. In other words, the protectorate stands committed to guarantee yet another 563,500,000 fr. on behalf of the railway company. Finally, the Shereefian Government guarantees in part the capital of the Tangier–Fez Railway loans.

4. The salient result of all this financial activity is that the first item on the expenditure side of the protectorate's 1924 budget is the sum of 62,245,216 fr. in respect of Public Debt services. This burden is a heavy one for so young a protectorate, and it is to be hoped that the latter's resources are such as to make this load appear a light one. A hopeful sign is to be found in the increased value and volume of exports during 1924.

I have, &c.

G. H. SELOUS.

Table (A).—Public Debt.

Direct Loans of the Shereefian Government.

Year.	Authorised.	Issued.	Interest
	Fr.	Fr.	Per cent.
1904	62,500,000	62,500,000	5
1910	101,124,000	101,124,000	5
1914	242,000,000	70,250,000 (in 1914)	4
		171,750,000 (in 1918)	5
1920	744,140,000	150,000,000 (in 1922)	7·87
		150,000,000 (in 1923)	8·14
1924	1,149,764,000	705,624,000	..

Table (B).—Public Debt.

Loans Guaranteed by the Shereefian Government.

Company.	Amount.	Duration.	Observations.
	Fr.	Years.	
Société des Ports marocains de Mehedya-Kenitra et Rabat-Sale—			
1. 5 pour cent 1919	24,000,000	62	The State finds the interest hereon.
2. 6 pour cent 1920	40,000,000	61	
3. 6 pour cent 1923	110,000,000	58	
Compagnie du Port de Fedhala—			
6 pour cent 1921	7,850,000	45	
Compagnies des Chemins de Fer du Maroc—			
6 pour cent 1922	214,000,000	78	
6½ pour cent 1923	182,500,000	77	
	578,350,000	..	

Table (C).—Annual Protectorate Budget.

Year.	Receipts.	Expenditure.
	Fr.	Fr.
1915	52,227,000	43,841,000
1916	75,138,000	49,069,000
1917	92,500,000	70,550,000
1918	109,450,000	101,792,000
1919	137,436,000	113,566,000
1920	271,953,000	218,978,000
1921	277,300,000	264,493,000
1922	270,643,000	267,643,000
1923	293,331,000	283,900,000
1924*	312,629,000	312,242,000

Table (D).—Municipal Budgets.

Totalisation of Fifteen Towns.

Year.	Receipts.	Expenditure.	Surplus.
	Fr.	Fr.	Fr.
1917	8,210,186	6,005,889	2,204,297
1918	18,628,658	14,582,672	4,045,986
1919	21,059,774	14,830,718	6,229,056
1920	37,129,275	27,286,613	9,842,662
1921	51,207,406	40,429,195	10,778,211
1922	48,880,675	42,318,643	6,562,032
1923	54,605,271	45,032,462	9,572,809
Total	239,721,245	190,486,192	49,235,053

It should be further noted that certain towns have contracted municipal loans in order speedily to meet the expenses arising out of their rapid development. Thus loans have been obtained by:—

	Fr.
Casablanca	50,000,000
Kenitra	5,000,000
Marrakesh	7,000,000
Saffi	4,000,000
Total	66,000,000

* Estimated.

[W 2646/2646/28] No. 67.

Consul-General Clive to Mr. Austen Chamberlain.—(Received March 25.)

(No. 75.)

Tangier, March 12, 1925.

Sir,

I HAVE the honour to report that I spent the 28th February in Rabat. Mr. Ryan had let Marshal Lyautey know that I was passing through Rabat with my wife and should like to call on him, and his Excellency invited us to tea at the Residency. After tea the marshal took me into his study and began talking of Abdel Krim and the position in the Spanish zone. His Excellency spoke in the most vigorous terms of Abdel Krim, whom he described as a very dangerous man and a liar. On the one hand he announced, through the agency of American correspondents, that he only wanted to live on the best of terms with the French, on the other hand he continued to establish posts fully equipped with telephones, machine guns, &c., well inside the French side of the frontier, while he carried on a pan-Islamic and anti-French propaganda. His Excellency sent for his aide-de-camp, who brought in a bundle of maps on which were clearly marked three posts south of the frontier that Abdel Krim had established in the last six months. Furthermore, he added, Abdel Krim let it be known among the natives that he had the sympathy of the English, and the natives believed it. I asked the marshal whether he had seen the reply which you, Sir, recently made in the House of Commons to a question on this very point. Certainly he had seen it, his Excellency replied, and had been much gratified to do so. In fact, he was having it placarded. But none the less he knew that Abdel Krim had English sympathisers and that there were Englishmen in the Riff helping him. I said on this latter point I felt he had been misinformed. A Belgian deserter from the Spanish Foreign Legion had recently told my Belgian colleague in Tangier that, so far as he knew, there were no Englishmen with Abdel Krim, though there were certainly a few Germans. As regards English sympathisers, there might well be a few individuals in England who favoured the idea of a Riff national State. There had always been Englishmen like the late Mr. Wilfrid Blunt, who had, with every means at their disposal, opposed our occupation in Egypt, and who were now talking of the Riff country for the Riffs. I understood there were equally French Communists who wrote letters of encouragement to Abdel Krim. It was hardly fair, therefore, to suggest that there was active English sympathy for the Riff because a few individuals may have wanted to send a Red Cross mission to Abdel Krim. The marshal, although entirely approving the English official attitude, was not to be convinced, although M. St. Quentin, the secretary-general, who had joined us, supported me by adding that the presence, if there were any, of a few perfectly unimportant Englishmen could not make much difference, and himself cited the case of the French Communist sympathisers. The marshal then said that the Egyptian Government had recently requested permission to send a medical mission to the Riff through the French protectorate. He had flatly refused to allow this; M. St. Quentin added that the head of the proposed mission was a notorious pan-Islamic propagandist.

This brought the conversation round to propaganda. German letters were in his possession, his Excellency said, which showed that the Germans were supporting Abdel Krim, who was being encouraged from Angora, Syria, and Egypt in a national movement. I asked if Abdel Krim was himself soliciting this support, or whether the Islamic countries in the Eastern Mediterranean were encouraging him unasked. The marshal replied that Abdel Krim's movement was far more national than religious, but that the success of a national movement in ridding a Moslem State of a Christian protectorate could have no other result than the strengthening of the pan-Islamic idea. I said that I had been very glad to see that the general at Fez and the chief of the Intelligence Department had denied knowledge of the Indian propaganda to which the "Times" correspondent had recently drawn attention (see my despatch No. 50 of the 20th February), and that they appeared to take a calm view of the propaganda question in general. The marshal bristled at this, and said it was inconceivable that they had ever said they did not believe in it. I said I had perhaps expressed myself badly, and I should rather have said they had told His Majesty's vice-consul at Fez that they had no direct proof of it. The marshal continued to bristle and M. St.Quentin again came to my support by saying that, though direct evidence was perhaps lacking, suspicions existed. I cannot help feeling that Marshal Lyautey has an obsession on this question, and is somewhat inclined to exaggerate the danger.

His Excellency then reverted to the position in the Spanish zone, and deplored, as he always does, the departure of General Berenguer, "the only intelligent Spaniard who

had ever been in Morocco." When I suggested that General Primo had at any rate succeeded in establishing, temporarily at least, the line that he said he would, the marshal shrugged his shoulders and merely said, "Ah! celui-là!" in a tone of contempt that it is quite impossible to describe.

He made no reference to Prince Aage's recent visit to Laraiche and Tangier, so I did not allude to it or to the desire ascribed to the marshal of wishing to come to a new agreement with Spain. He did, however, in the most emphatic tones, refer to what he considered the precarious position of the Tangier–Fez Railway in the Spanish zone and the situation that might arise if the Spaniards were unable effectually to protect it.

There is no doubt whatever, as I have had occasion to mention in previous despatches, that the French colony in Morocco, from the Resident-General downwards, are much preoccupied with the question of the Tangier–Fez Railway in the Spanish zone, and look forward to the day, though this is never stated by the officials, when the French protectorate will include Laraiche and Arzila, and march with the Tangier zone.

His Excellency made no allusion to the Tangier Statute, in the details of which I understand he takes little interest, beyond saying that he had been glad to hear that I got on well with M. Feit.

I have, &c.
R. H. CLIVE.

CHAPTER IV.—SPANISH ZONE.

(a.) The Capitulations.

[W 986/986/28] No. 68.

Memorandum communicated by Spanish Ambassador.

(Translation.)

AS the terms of the International Statute of Tangier have been laid down and the International Tribunal is on the eve of entering upon its duties, the three Powers chiefly interested having, moreover, renounced the régime of consular Capitulations in that territory, it appears to the Spanish Government that the proper moment has arrived for the renunciation by Great Britain of the same privilege in the zone of the Moroccan Empire entrusted to the protection of Spain.

I have accordingly been instructed to acquaint your Excellency with this view, and am confident that I shall obtain your concurrence.

Spanish Embassy, London,
January 28, 1925.

[W 986/986/28] No. 69.

Mr. Austen Chamberlain to M. Merry del Val.

Your Excellency, *Foreign Office, February* 12, 1925.

I HAVE had before me your Excellency's memorandum of the 28th ultimo, in which the Spanish Government propose that His Majesty's Government should surrender the capitulatory rights which they now enjoy in the Spanish zone of Morocco.

2. In reply, I have the honour to state that the question raised in your memorandum cannot be considered apart from the similar question of the British Capitulations in the French zone, but that His Majesty's Government are actually engaged in examining that aspect of the problem. They are not in a position, however, at this moment to announce any decision, and can only observe that under the Anglo-French Declaration of 1904 the question is bound up with the abolition of the Capitulations in Egypt, which, owing to the recent changes in the status of that kingdom, does not appear to be at the present moment a practical issue.

I have, &c.
AUSTEN CHAMBERLAIN.

(b.) Proposed Accession to Franco-Spanish Convention of 1912.

[W 3190/1562/28] No. 70.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 245.)

Sir, *Foreign Office, May* 4, 1925.

WITH reference to my despatch No. 202 of the 8th April last, I transmit herewith copies of despatches from His Majesty's consul-general at Tangier on the subject of the difficulty in securing the settlement by the Spanish authorities at Tetuan of a number of long-outstanding cases.

2. Mr. Clive raises two questions: the desirability of making representations to the Spanish Government regarding the obstructive attitude of the local authorities, and the proposal of the British vice-consul at Tetuan that His Majesty's Government should offer to accede to the Franco-Spanish Convention of 1912, on condition that a satisfactory settlement of all cases still outstanding is effected. As regards the first point, I adhere to the view that the present is not a suitable moment to raise a controversial issue at Madrid officially. If, however, your Excellency sees no

objection and a suitable opportunity occurs, you are authorised to draw attention to the deplorable state of affairs described by Mr. Clive.

3. There remains the question of the British accession to the Franco-Spanish Treaty of 1912, involving formal recognition of the régime in the Spanish zone, often loosely described as the Spanish protectorate. Owing to the fact that His Majesty's Government have never acceded to the treaty, their practice, to which the Spanish Government have not hitherto demurred, has been not to ask for an exequatur, but merely to request the provisional recognition of British consular officers. Thus Mr. Hope Gill is correct in pointing out that Señor Saavedra's offer to take steps for the grant of an exequatur to Mr. Clive raises the question of the formal recognition of the existing régime in the Spanish zone of Morocco. The matter was last discussed in 1920, when His Majesty's Government requested the Spanish Government to enter into negotiations for the recognition of the British protectorate over Egypt. The Spanish Government replied that they were ready to comply, provided that His Majesty's Government recognised the Spanish protectorate in Morocco. Later in the year it was found necessary to postpone the reorganisation of the Mixed Tribunals in Egypt, and since it was no longer necessary to obtain the consent of the Spanish Government to this measure immediately and the Spanish Government seemed disposed to contend that recognition involved the abrogation of the British Capitulations, the negotiations were allowed to lapse.

4. His Majesty's Government cannot, of course, admit that there is any connection between the recognition of the régime in the Spanish zone and the abrogation of British extra-territorial rights. When in December 1914 His Majesty's Government acceded to the Franco-Moorish Treaty of 1912 and so recognised the French protectorate, they did not thereby commit themselves to the renunciation of the Capitulations in the French zone, and the situation as regards the Spanish zone is entirely analogous.

5. It appears from Mr. Hope Gill's despatch that it is possible that the Spanish Government will no longer insist on connecting the two questions. If this is so, His Majesty's Government are ready to resume negotiations and to offer to accede to the Franco-Spanish Convention of 1912, on condition that the Spanish Government effect a satisfactory settlement of all outstanding cases. There is nothing to be gained by prolonging indefinitely the present anomalous state of affairs. On the contrary, as time goes on British recognition is likely to lose its value as a lever for negotiation.

6. Before deciding whether to instruct you to approach the Spanish Government officially, I shall be glad to have your views. You will, of course, understand that if the Spanish Government continue to insist on the abrogation of British extra-territorial rights, His Majesty's Government will not be prepared to proceed any further with the negotiations.

I am, &c.
AUSTEN CHAMBERLAIN.

[W 1562/1562/28] Enclosure 1 in No. 70.

Consul-General Clive to Mr. Austen Chamberlain.

(No. 34.)

Sir, *Tangier, February* 5, 1925.

ON receipt of your despatch No. 11 of the 2nd January, I addressed a despatch, copy of which is enclosed, to the acting vice-consul at Tetuan, requesting him to obtain my provisional recognition as consul-general for the Spanish zone. I have now the honour to enclose copy of despatch from Mr. Hope Gill enclosing correspondence on the subject with the Spanish High Commission. The delegate-general in his reply to Mr. Hope Gill added at the end of his note the following sentence:—

> "As soon, therefore, as you send me the requisite commission, an exequatur will be issued and the necessary Vizirial decree published in the "Boletín Oficial" of the zone."

Mr. Hope Gill considers that the addition of this sentence appears to raise by implication the question of the formal recognition of the Spanish protectorate. He goes on to suggest that there might be advantages at the present time in recognising the Spanish protectorate if this were made conditional on a specific improvement

in the attitude and methods employed towards British interests. Furthermore, he considers it doubtful now whether the Spanish Government would insist that formal recognition should entail the abolition of Capitulations. I presume, however, that should the question of recognition in the event of this proposal being seriously considered be eventually settled without reference to the Capitulations, His Majesty's Government could hardly contemplate maintaining them in the Spanish zone, if in the near future it was decided to renounce them in the French protectorate.

I enclose under separate cover a memorandum enumerating the cases pending with the Spanish authorities, to which the attention of the Spanish Government might be called if the question of recognition of the Spanish protectorate came up for discussion.

I have, &c.
R. H. CLIVE.

Enclosure 2 in No. 70.

Consul-General Clive to Acting Vice-Consul Hope Gill.

(No. 3.)

Tangier, January 14, 1925.

Sir,

HIS Majesty the King has been pleased to appoint me as His Majesty's consul-general for the dominions of the Sultan of Morocco to reside at Tangier.

The King's Commission has been sent to His Majesty's diplomatic representative at Paris, in order that the necessary exequatur may be obtained.

As His Majesty's Government have not formally recognised the Spanish protectorate of Morocco, it has not been the practice to obtain exequaturs for consular appointments in the Spanish zone, but to request the Spanish High Commissioner to take steps for the provisional recognition of His Majesty's consular officers as such. His Majesty's Government consider it advisable that this practice should still be followed, although I shall not be residing in the Spanish zone.

You should accordingly acquaint the Spanish High Commissioner of my appointment, and request that provisional recognition may be accorded to me as consul-general for the Spanish zone.

I am, &c.
R. H. CLIVE.

Enclosure 3 in No. 70.

Acting Vice-Consul Hope Gill to Consul-General Clive.

(No. 18.)

January 28, 1925.

Sir,

WITH reference to your despatch No. 3 of the 14th instant, I have the honour to report that I duly acquainted the High Commissioner of your appointment on the 16th instant. My note, of which I transmit translation herewith, was couched in the same terms as were used on the appointment of Sir Malcolm Robertson in 1921.

I received the delegate-general's reply on the 22nd instant and have the honour to enclose a translation. The last sentence, which is a departure from the form hitherto used in similar cases, will be seen to raise, by implication, the question of the formal recognition of the Spanish protectorate. I accordingly asked Señor Saavedra privately whether, in adding this sentence to the customary reply, it was his intention to broach this subject, and he asked me to leave his note in his hands in order that he might discuss it with his first secretary, who had drafted it.

He returned the note to me to-day with the explanation that the reference to an exequatur may be read merely as leaving the door open for a formal recognition of your appointment should that be required. It does not necessarily require consideration in your reply.

It seemed to me, on first receiving the note, that, without some such qualification, it would be difficult to ignore the implied request for your commission without risking giving offence. The non-recognition by us of the protectorate is a very sore subject, and my object in approaching Señor Saavedra was to avoid the apparent necessity of treating the question officially and in writing in connection with the recognition of your appointment.

Although it is not for me to proffer advice on political matters, yet I would venture to remark that this question of non-recognition is one which might be

resolved with advantage. I understand that His Majesty's Government offered to recognise the protectorate at its inception, but that the Spanish Government insisted that formal recognition entailed the abolition of Capitulations. It seems to me at least doubtful whether such a condition would now be made were the offer to be repeated. On the contrary, I cannot but think that, with the Directory in power, and at this stage of the Moroccan problem, our recognition of the Spanish protectorate might be made conditional on a specific improvement in the attitude and methods employed towards British interests. The question at least seems worth while studying.

I have, &c.
C. G. HOPE GILL.

Enclosure 4 in No. 70.

Vice-Consul Hope Gill to Spanish High Commissioner.

(Translation.)

Tetuan, January 16, 1925.

Excellency,

I HAVE the honour to inform you that I have received instructions to bring to your Excellency's knowledge the fact that Mr. Robert Henry Clive has been named consul-general of His Britannic Majesty for the dominions of the Sultan, with residence at Tangier.

I am further instructed to request that your Excellency will be good enough to take steps for the provisional recognition of Mr. Clive as consul-general for the Spanish zone.

I avail, &c.
C. G. HOPE GILL.

Enclosure 5 in No. 70.

Señor Saavedra to Vice-Consul Hope Gill.

(Translation.)

Tetuan, January 21, 1925.

Señor Vice-Consul,

IN reply to your note of the 16th instant, in which you inform me that the Government of His Gracious Majesty has named Mr. R. H. Clive to be consul-general of Great Britain for this Khalifian Empire with residence at Tangier, and add that you have been instructed to request from this High Commission the provisional recognition of Mr. Clive as consul-general for this Spanish protectorate zone, I have pleasure in informing you that, as far as this Residency is concerned, not only is there no objection whatever to acceding to the request of the London Cabinet, but it is very pleased to do so. As soon, therefore, as you send me the requisite commission, an exequatur will be issued and the necessary Vizirial decree published in the "Boletín Oficial" of the zone.

I avail, &c.
DIEGO SAAVEDRA.

Enclosure 6 in No. 70.

Memorandum of Sundry Matters outstanding with the Tetuan Authorities.

		When first presented to Spanish authorities.
1.	Recognition of semsars.	
2.	El Menebhi–Bargha land question	February 1919
3.	El Menebhi–Oulad Said land question ...	February 1920
4.	El Menebhi. House at Alcazar. Withheld by Señor Cano, Spanish vice-consul. Steps first taken at Spanish consulate in Alcazar	1921
5.	Benvenuto, Adolfo. Claim against customs for duties wrongly levied on timber	1923
6.	Gerahty, C. Land in Tangier zone claimed by villagers of Haj'r N'hal	January 1923

PUBLIC RECORD OFFICE, LONDON

		When first presented to Spanish authorities.
7.	Baglietto, L. Delimitation of land at Tala-el-Akraa	January 1924
8.	Laraiche consular building. Purchase of ...	March 1924
9.	Forde, L. Land occupied at El Malaleh, Laraiche	March 1924
10.	El Fetoh, Ahmed	May 1923
11.	Carleton. Garden at Alcazar	September 14, 1924
12.	Interference of local authorities at Tetuan with the course of native justice.	
13.	Imposition of new taxes.	
14.	Forde's Makhzen property claim in Laraiche.	

Note.—This memorandum is not to be considered as a complete list of outstanding claims in the Spanish zone

References are given where correspondence has passed with the Foreign Office relative to these questions. All the others have been dealt with locally and at Tetuan.

14. This claim originated early in 1924. Authorities have started to demolish building in spite of promises to the contrary. Forde is thereby losing rent. Matter remains unsettled.

Remarks.

1. The question is in a very unsatisfactory state and has been the subject of much correspondence with the Foreign Office. Last paper, my No. 383 of the 5th December, 1924.

2. Land owned by Menebhi under Sultan's dahir. The Oulad Sahisat, who were placed in charge by him, laid claim to it and he has been unable to re-obtain possession. Reference Mr. Robertson's despatch No. 75 of the 2nd March, 1923, and subsequent correspondence.

3. A property near Laraiche owned by Menebhi. Others are cutting timber on it, under permits issued by the authorities, and exercising other rights. He has been unable to have the case tried and decided by Shraa, although the Spanish authorities agreed to that course in 1923. Reference Mr. Robertson's despatch No. 75 of the 2nd March, 1923, and subsequent correspondence.

4. This house was let to a Spanish subject, Juan Cano, who paid the rent for some time, but then refused to continue, claiming the property as his own. He has recently been appointed Spanish vice-consul and has demolished and rebuilt the house. The delegate-general in Tetuan told His Majesty's vice-consul recently that orders had been sent for the work on the house to be stopped. Menebhi's son, who was at Alcazar at the time, was informed that no such instructions had been received there. A further despatch from His Majesty's vice-consul at Tetuan states that orders have since been sent to Señor Cano to suspend all acts of ownership so long as question is not settled by competent tribunal. I am enquiring whether those orders are being acted upon.

5. Claim for duty levied on timber from the Riff. The Spanish authorities claim that this duty is levied under a regulation. As the duty has not been rendered applicable to British subjects by King's Regulation, a claim was made for the return of the amount paid, with the addition of Mr. Benvenuto's expenses on journeys to Tetuan.

6. A dispute arose about this land, situated in the Tangier zone, purchased by Mr. Gerahty and Colonel Ellis from a French company. A great part of it is claimed by villagers living in the Spanish zone, who come down and plough it and reap the crops. Mr. Gerahty and Colonel Ellis are prepared to abide by the decision of the Shraa Court in Tangier if the Spanish authorities will compel the other claimants to state a case before that court.

7. In 1924, Mr. Baglietto wished to delimit and have a plan drawn up of this property situated in the Tangier zone. Villagers residing in the Spanish zone prevented the surveyor completing his task. Requested that matter be referred to the Shraa in Tangier. This has not been done.

8. Matter referred to the Morocco Office of the Presidency in Madrid. Last paper, my No. 386 of the 6th December, 1924.

9. Land occupied by authorities for a military road.

10. Damage to crops by Moors from the Spanish zone.

11. Land occupied in connection with a road to a bridge. Spanish authorities proposed to give compensation in land elsewhere. As no further action was taken by them, Mr. Carleton's widow made a claim for 15,000 pesetas as compensation.

12. Formed the subject of my despatch No. 419 of the 31st December, 1924.

13. Reference my despatch No. 335 of the 21st October, and earlier correspondence.

Tangier, February 5, 1925.

[**W 3190/1562/28**] Enclosure 7 in No. 70.

Consul-General Clive to Mr. Austen Chamberlain.

(No. 100.)

Tangier, March 31, 1925.

Sir,

IN my despatch No. 34 of the 5th February, I had the honour to enclose a memorandum of certain matters outstanding with the Spanish authorities at Tetuan.

To that list I regret that I have now to add the following cases:—

1. The release from prison of the murderer of the Mokhazni of the vice-consulate at Tetuan (reference Foreign Office despatch No. 476 of the 22nd November, 1923).
2. Claim of the Arabic scribe to this consulate-general, Cid Ahmed-el-Fetoh, for destruction of crops in the Tangier zone by tribesmen from the Spanish zone.

It has been intended to include both these claims amongst those submitted to the Tetuan Claims Arbitration Commission As, however, Mr. Hope Gill reported on the 5th May, 1924, that the Spanish Government had expressed, through the Spanish representative on that commission, their intention of settling them forthwith, as well as the Benvenuto claim (No. 5 in the enclosure in my despatch No. 34 of the 5th February), and as he understood from the delegate-general at Tetuan that he had received instructions to that effect, they were not included in the list submitted to M. Huber. Mr. Hope Gill, in the interval, has addressed three notes to the delegate-general, under dates the 26th May, the 12th August, and the 18th December, 1924, relative to No. 1, but to none of these has any reply been vouchsafed. No. 2 was first brought to the notice of the Tetuan authorities in May 1923.

In March 1924, in reply to a letter addressed to him by the vice-consul at Tetuan, the delegate-general stated that the matter had again been brought to the notice of the Morocco Office of the Presidency, and four further reminders have received the same reply.

Another case to which I would refer is that of the freehold of the Laraiche vice-consular building, which His Majesty's Office of Works desires to purchase (No. 8 on the list transmitted in my No. 34 of the 5th February, 1925). In this case also the delegate-general has replied to the various notes addressed to him by Mr. Hope Gill, that he will communicate to him the answer of the Morocco Office as soon as it is received.

From the foregoing it appears evident that there is little probability of a settlement of these cases being obtained locally, as the delegate-general either ignores the notes addressed to him by the vice-consul or shelters himself behind the Morocco Office in Madrid.

I would consequently venture to suggest the desirability of requesting His Majesty's Ambassador at Madrid to bring to the knowledge of the directory of the Morocco Office the general question of the attitude of the Tetuan authorities towards matters which have to be brought to their notice by the vice-consul, and urge that an early settlement of all our outstanding matters be effected.

I have, &c

R. H. CLIVE.

[W 4470/1562/28] No. 71.

Sir H. Rumbold to Mr. Austen Chamberlain.—(*Received May* 19.)

(No. 224.)

Sir, *Madrid, May* 13, 1925.

I HAVE the honour to acknowledge the receipt of your despatch No. 245 of the 4th instant in which you ask for my views on the suggestion that His Majesty's Government should offer to accede to the Franco-Spanish Convention of 1912 on condition that the Spanish Government effect a satisfactory settlement of all outstanding cases in the Spanish zone of Morocco.

Whilst I have no information tending to corroborate Mr. Hope-Gill's impression that, in the event of His Majesty's Government intimating their readiness to accede to the above-mentioned Franco-Spanish Convention, the Spanish Government would no longer insist on connecting such recognition with the renunciation of the Capitulations in the Spanish zone, I am certainly of the opinion that an offer by His Majesty's Government to accede to the convention of 1912 would be welcomed by the Directorate, and would produce an excellent impression here.

Although it has taken much time and patience to bring the Spanish Government to the point of agreeing to all the dahirs, with the exception of that relating to the Court of Appeal for dealing with questions of real property, and as to which the Spanish Government have made certain proposals, and to get that Government to agree to the Tangier Statute coming into force on the 1st June, I consider that, given their dilatory habits, the Spanish Government have recently shown sincere goodwill and despatch in accepting the British and French proposals with regard both to three out of the four outstanding dahirs and to the date proposed for the entry into force of the statute. An offer, therefore, on the part of His Majesty's Government to accede to the Franco-Spanish Convention of 1912 might be politic at this juncture, and could well be coupled with the condition that the Spanish Government effect a satisfactory settlement of all outstanding cases.

I venture to express entire agreement with your view that the present is not a suitable moment to make official representations regarding the obstructive attitude of the authorities at Tetuan with reference to the settlement of a number of outstanding cases. But as I am able to talk with great frankness to the President and the Acting President of the Directorate with regard to Moroccan affairs, a suitable opportunity will no doubt, in any event, shortly present itself of drawing General Primo de Rivera's attention to the delay in settling the cases detailed in the list forwarded by Mr. Clive in his despatch No. 34 of the 5th February.

I am forwarding a copy of this despatch to His Majesty's consul at Tangier.

I have, &c.
HORACE RUMBOLD.

[W 4470/1562/28] No. 72.

Mr. Austen Chamberlain to Sir H. Rumbold (Madrid).

(No. 318.)

Sir, *Foreign Office, June* 11, 1925.

I HAVE had under consideration your Excellency's despatch No. 224 of the 13th ultimo, in which you state that an offer on the part of His Majesty's Government to accede to the Franco-Spanish Convention of 1912 would be well received by the Spanish Government and might be politic at the present juncture.

2. In your despatch No. 251 of the 28th ultimo you deprecate the suggestion that the offer should be made the subject of a definite bargain and should be conditional on the settlement of the cases outstanding with the Spanish authorities at Tetuan. Whilst I concur in your view, I feel that it might well be explained to the Spanish Government that the habitual disregard of the rights and interests of British subjects in the Spanish zone makes it difficult for His Majesty's Government to recognise the existing régime unless some improvement in this respect is shown.

3. The crux of the whole question, however, is whether the Spanish Government will be satisfied merely with the accession of His Majesty's Government to the 1912 convention or whether they will insist as before on the renunciation of the British

Capitulations in the Spanish zone as well. In the latter event it is clear that nothing would be gained by making the offer.

4. It would be an advantage before taking any step to learn, if possible, the views of the Spanish Government, and I shall be glad if you will take an early opportunity of sounding them on the point.

I am, &c.
AUSTEN CHAMBERLAIN.

(c.) Arbitration of British Claims.

[W 1073/526/28] No. 73.

Mr. Shearman to Mr. Austen Chamberlain.

Sir, *Foreign Office, February* 9, 1925.

IN accordance with Mr. Villiers's suggestion I have spent a considerable time in examining in detail the accompanying report* from M. Huber. The enclosed documents* are a rough proof of (*a*) certain preliminary decisions which he has already given, (*b*) a final report on the A claims fixing the amount of the indemnity to be paid, and (*c*) the penultimate report on the B claims, which decides the question of responsibility. The enquiry, therefore, is now concluded, except as regards the amount actually to be paid in respect of those B claims for which M. Huber has decided that the Spanish Government is responsible. So far as His Majesty's Government are concerned, nothing further remains to be done, as M. Huber is in possession of all our information on the issue of the amount payable in the B claims. He has given the Spanish representatives a further period, expiring on the 1st March, in which they can if they choose submit further evidence to rebut our evidence as to the amount of damage done. In order to prevent any misunderstanding from arising and to stifle any disappointment that may be felt in the Department at the prospect of even further delay, I should explain that M. Huber was bound under the agreement to decide the question of arbitrability and responsibility for the B claims before deciding the question of the amount to be paid. I cannot refrain from adding, however, that he has taken an extremely technical and serious view of his responsibilities, but it is impossible for us to complain, nor, do I think, have we any real grounds for such complaint, because it seems quite clear that in the course of the next few weeks we shall have M. Huber deciding the amount payable on these claims, which will finally clear the matter up once for all so far as he is concerned.

I think that it would be better at present not to submit a detailed analysis of the findings on each of these claims. Subject to the approval of the Department, I suggest that this should be done upon the receipt of the final report on the B claims, when it will be the duty of the British agent to submit a final report on the work of the commission to the Secretary of State in continuation of the two reports previously submitted.

Dealing with the A claims first, it should be noted that M. Huber had on the whole taken a fair and equitable view of the amount of compensation to be paid. It must be remembered that in many cases the British figures were unduly exaggerated, and on the other hand the offers made by the Spanish Government were ludicrously insufficient. M. Huber has taken the sensible course of choosing a figure which in most cases is somewhere in between the two estimates submitted. A good instance of this will be found in claim 9, in which Er Rzini claims expropriation for portions of land taken for the construction of the Ceuta–Tetuan Railway. For certain portions of this land His Majesty's Government have claimed 5 pesetas a metre. The Spaniards, on the other hand, offered ·75 pesetas a metre. M. Huber has given us 3·50. In most of the other claims this sort of calculation of the indemnity has been adopted. I think I am right in saying that in only one instance has he accepted the Spanish figures, but on the other hand in several instances he has accepted our figures as correct. He has also decided in our favour on most of the technical points which were so furiously argued by the Spaniards; for instance, in claim 11 he has rejected the Spanish contention that marshy land belongs to the State and cannot be made the subject of private property. He has also rejected the Spanish contention that the firm of Messrs. Cohen is not entitled to British protection in Morocco. In claims 18, 19 and 20 he has decided that

* Not printed.

Er Rzini has a legal right to the possession of the property which was the subject of these claims. The Spaniards claimed that the heirs of an elderly person, now deceased, called El Hassan, were the persons really entitled to the property. There are other instances of this sort which I would prefer to deal with in the final report, when a detailed study will be necessary. I think, however, that I am correct in stating that, so far as the A claims are concerned, every one of the Spanish contentions has been rejected. with the solitary exception of the case of a person named Ben Chiton, who was clearly not entitled to British protection at the relevant period. Only one of the A claims has been rejected *in toto*. This is No. 53. This was an important claim put forward by one Ziat, alleging that the Spanish Government were responsible for a riot which took place in Melilla in 1921. It is always difficult in international law to prove that a Government is responsible for civil commotion. Unless we can show that there has been unequal treatment or negligence it is generally understood that persons who live in foreign countries must face the risk incurred in such outbreaks. In this case our evidence as to negligence was unconvincing, and after considerable hesitation M. Huber has decided to reject the claim.

So far as the B claims are concerned, M. Huber has found the Spanish Government responsible with twelve exceptions. The claims that he has disallowed are 4, 27 to 32, 34 to 37, 50 and 52. Without considering at present the reasons for disallowing these claims, it must be sufficient to observe that M. Huber has decided that the Spanish Government cannot be held responsible for isolated acts of bandits or robbers, and, with one or two exceptions, for occurrences which took place within the Tangier zone, for which Spain is not responsible. He has also rejected claim 52, in which the house of Levy and Co. claimed damage for the military *débâcle* which took place at Melilla. With regard, however, to the claims that he has allowed, he has accepted the British contention that he should proceed on a percentage basis. It will be remembered that many of these claims, and in particular the first four, relate to the destruction of property either in the immediate neighbourhood of Tetuan or in other areas within accessible distance. The Spanish representative contended throughout that his Government were not responsible for any portion of this damage whatever. M. Huber, however, has accepted the thesis that the Spanish Government must be held liable for destruction committed by Spanish troops, and in view of the difficulty of attributing each particular occurrence to Spanish troops as opposed to isolated robbers, he has sensibly decided that the Spanish Government should in some instances be responsible for 75 per cent. of the damage, in others 50 per cent., and in others 25 per cent. This seems to me to be a reasonable decision, and I personally am surprised that we have done so well, because, although the shocking damage which has been done to property near Tetuan is only too obvious, the evidence upon which it is possible to contend that the Spanish Government was responsible is in all cases of an exceedingly weak and flimsy nature. On the whole, therefore, I think we shall eventually obtain a considerable sum of money in respect of the B claims when M. Huber gives his final award on this issue.

It might just be mentioned in conclusion that M. Huber has rejected the British claim for compound interest at 7 per cent., and allowed us in all cases simple interest at 7 per cent. The Spanish Government offered originally nothing at all by way of interest, and at the enquiry 5 per cent.

I am sending a copy of this minute to Mr. Hope-Gill in Tetuan, to whom a copy of the corrected report should be sent as soon as we receive it from M. Huber.

I have, &c.
M. SHEARMAN.

[W 5510/526/28] No. 74.

Mr. Shearman to Mr. Austen Chamberlain.

Sir, *Foreign Office, June* 12, 1925.

I HAVE the honour to state, in continuation of my previous reports of the 10th May and the 18th November, 1924, that M. Huber, the *rapporteur* of the Anglo-Spanish Moroccan Claims Commission, has at last presented his final report on the claims submitted to him. As previously reported, M. Huber had already given a final award on the so-called "A" claims, which arose from article 1 of the agreement of the 29th May, 1923, and had also reported on the question of the arbitrability of the so-called "B" claims, which arose from article 2 of the same agreement. I commented

at some length on these preliminary decisions in a minute to the Department written on the 10th February last, and, as this final report of M. Huber is principally important in that it contains the amount of the indemnities awarded in those "B" claims which have been recognised as being arbitrable, it should now be possible to compress any comments upon it into a comparatively brief space. Mr. Hope-Gill, His Majesty's vice-consul at Tetuan, is at present engaged in compiling comparative tables showing the amounts claimed, offered and awarded, including interest, in each case, and when ready this analysis will be submitted as an appendix to this report.

2. In addition to fixing the amounts, M. Huber has completed his interesting series of legal essays on problems arising out of this enquiry by contributing an historical introduction to the volume now submitted, together with some comments on the methods of fixing the indemnities in these "B" claims. These two comments make interesting reading, and it will be noticed that in the latter he accepts in principle the British methods of calculating and fixing the amounts of damage done to property.

3. In the previous reports which have been already submitted some comment has been made on the various aspects of this enquiry as and when they presented themselves, and, as our principal object now is to induce the Spanish Government to pay up without further delay, it seems unnecessary to consider in detail the precise effect of this enquiry from the legal and political point of view. It may, however, be pertinent to observe that out of the fifty-three claims originally contained in the schedule to the agreement, thirteen have been rejected and one withdrawn by the British representative. An award has been made in the remaining thirty-nine. The analysis of the figures which is being prepared will show that the total amount awarded is substantial and compares favourably with the amount actually claimed in each particular case. As to the rejected claims, as has been previously pointed out, there never was any reasonable prospect of succeeding in the majority of these. These claims arose either out of isolated acts of brigandage or theft or out of occurrences in the international zone of Tangier, for which Spain is not responsible. On the other hand, we have the satisfaction of noting that the president of the Permanent Court of International Justice has now declared that in law Spain is fully responsible for breaches of international law in a zone in which she is the protecting Power, not the sovereign, and it is further to be noted that he finds that a Power which is unable to discipline its military forces properly is responsible in law for any damage which may be the result of such indiscipline.

4. M. Huber should now be formally thanked for his services, and steps should be taken to pay over to him the sum provided for in article 6 of the agreement. A formal letter of thanks might also be sent to M. Hammarskjöld, the *greffier* of the Permanent Court, for his services as secretary to the commission.

5. In conclusion, may I once more draw attention to the industry and ability of Mr. Hope-Gill, His Majesty's vice-consul at Tetuan, who has done all in his power to further the interests of British claimants in the Spanish zone? Owing to ill-health, Mr. Were, now His Majesty's vice-consul at Marakesh, could not devote so much of his time to the work, but both before and during the commission he rendered invaluable assistance. We should not fail also to remember with gratitude the work of the late Mr. C. R. B. Atkinson, formerly His Majesty's vice-consul at Tetuan, who before his premature death laid the foundations of most of the claims that were placed before the commission.

I have, &c.
M. SHEARMAN.

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